

Burnett immigration bill; to the Committee on Immigration and Naturalization.

By Mr. MILLER of Delaware: Evidence in support of House bill 9004, granting an increase of pension to Julia W. Simpson; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: Petitions of Herman Held, Max Schneider, Peter Dorsam, and others, of Philadelphia, Pa., favoring embargo on munitions; to the Committee on Foreign Affairs.

Also, petition of D. F. Waters, of Germantown Dye Works, favoring tariff on dyestuffs; to the Committee on Ways and Means.

By Mr. MORIN: Memorial of Capt. Alfred E. Hunt Camp, No. 1, Department of Pennsylvania, favoring legislation granting relief to widows and orphans of veterans of the Spanish-American War; to the Committee on Invalid Pensions.

Also, memorial of the Traffic Club of New York, urging immediate repeal of the seaman's act; to the Committee on the Merchant Marine and Fisheries.

Also, petitions of James R. Miller and Margaret S. Patton, in favor of the passage of the Keating-Owen child-labor bill; to the Committee on Labor.

Also, petition of C. K. S., favoring the Keating-Owen child-labor bill; to the Committee on Labor.

By Mr. PAIGE of Massachusetts: Papers in support of House bill 9997, relative to Charles P. Morse; to the Committee on Military Affairs.

By Mr. PRATT: Petition of Mr. Harry S. Houghton, of Elmira Heights, favoring national prohibition; to the Committee on the Judiciary.

Also, petition of Gard W. Ford, of Hornell, N. Y., protesting against preparedness; to the Committee on Military Affairs.

By Mr. ROBERTS of Massachusetts: Evidence to accompany bill granting a pension to Harry A. Leonard; to the Committee on Pensions.

Also, evidence in support of bill granting a pension to Charles H. Avery; to the Committee on Invalid Pensions.

By Mr. ROWE: Memorial of American Federation of Labor at San Francisco, Cal., protesting against repeal of the seamen's law; to the Committee on the Merchant Marine and Fisheries.

Also, petition of piano manufacturers of New York City, favoring the Stevens standard-price bill; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Texas: Petition of Frank Cheatham Camp, No. 314, United Confederate Veterans, at Breckinridge, Tex., favoring pensions for Confederate veterans and widows of same; to the Committee on Pensions.

By Mr. STEDMAN: Petition of employees of Amazon Cotton Mills, of Thomasville, N. C., protesting against child-labor bill; to the Committee on Labor.

By Mr. STEPHENS of California: Memorial of the State Board of Education of California, approving the policy of extending national aid to the various States for the purpose of assisting them in providing opportunities for vocational education to those individuals who anticipate entering or who have already entered the occupations of agriculture, trade, industry, commerce, and home making, and favoring the passage of the measure generally known as the Page bill, and introduced in the Senate of the United States by Senator SMITH of Georgia at the second session of the Sixty-third Congress; to the Committee on Agriculture.

Also, petition of Home Industry League of California, favoring preparedness; to the Committee on Military Affairs.

Also, petition of F. R. Fancher, of Redondo Beach, Cal., protesting against any bill seeking to establish a Federal censorship of motion pictures; to the Committee on Education.

Also, memorial of Los Angeles County Woman's Christian Temperance Union, against preparedness; to the Committee on Military Affairs.

By Mr. TINKHAM: Petition of Commissioner H. J. Skeffington, favoring an appropriation for the building of an immigrant station at the port of Boston; to the Committee on Public Buildings and Grounds.

Also, petition of sundry firms of the State of Massachusetts, favoring legislation protecting the manufacture of dyestuffs and munitions of war; to the Committee on Ways and Means.

By Mr. THOMAS: Memorial of District No. 23, United Mine Workers of America, asking publication of full report of Industrial Relations Commission; to the Committee on Printing.

Also, memorial of District No. 23, United Mine Workers of America, protesting against preparedness; to the Committee on Military Affairs.

SENATE.

WEDNESDAY, January 26, 1916.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, we know that Thou hast so constituted human life as that good may be brought out of every ill. Where sin has abounded grace hath much more abounded. Amid the conflict, the chaos, and the strife of the world which afflict our ears every day, telling the story of suffering and oppression, we pray that at least we may by our generous response and our hearty brotherhood gain the friendship of those who are distressed and gain for ourselves the sweet satisfaction of a blessed service.

We pray Thy blessing upon the generous offerings of this people poured upon the altar of humanity, that they may have the approval and the blessing of the Divine One upon them all, and through our service may we learn where honor is, the honor of a great nation like ours. For Christ's sake. Amen.

The Journal of yesterday's proceedings was read and approved.

EDITORIAL ON MEXICAN SITUATION.

Mr. WORKS. Mr. President, I have here an editorial from the Evening Express, of Santa Barbara, Cal., on the Mexican situation. It is a very temperate and dispassionate statement of the conditions, and as it is both interesting and instructive I should like to have it printed in the Record.

Mr. SMOOT. I did not hear the request of the Senator from California. What is the paper?

Mr. WORKS. I request to have printed in the Record an editorial from the Santa Barbara Express on the Mexican situation.

Mr. SMOOT. Mr. President, I gave notice some time ago that I thought the time had arrived when editorials from newspapers on matters of this kind should be kept out of the Record. I do not know whether this is the time I should insist upon that course, but I want to say to the Senator that I am having figured up the amount of pages in the Record taken up by newspaper and magazine articles to show the percentage of the pages of the Record of such items. I will know in a day or two what that percentage is up to date; but I am quite certain the Record contains at least half of matter that has never been read or uttered in either House of Congress. I think the practice is being abused greatly, and if the Senator does not really think that the printing of this editorial in the Record is necessary, I should like very much to have him withdraw the request.

Mr. WORKS. Mr. President, I have received a great many articles from newspapers that ought not to go into the Record at all. It was because of the nature of this particular editorial, which is very temperate in character and which I think would be instructive, that I have asked it may be printed in the Record. It is not one calculated to arouse the passion of the country. I think it is quite unwise to put in matters of that kind.

I would be glad if the Senator from Utah would look at it and see if he will not change his opinion as to printing it at the present time. If the Senator, or any other Senator, has serious objection after reading the editorial, of course I shall not ask to have it printed.

Mr. SMOOT. With that understanding, I shall not object. I want to see what it is.

Mr. STONE. Does it go in?

The VICE PRESIDENT. That is what the Chair wants to know, whether it goes in the Record or is left to the Senator from Utah to determine.

Mr. STONE. Mr. President, I am entirely in sympathy with what the Senator from Utah has stated and with his declared purpose to object. I do not think we ought to have a mass of newspaper editorials and matters of that kind put into the Record. No one ever reads them, or very few. It is not very informing and it is expensive. It simply gives to such a paper the right of the franking privilege. If the Senator from Utah does not object, I shall myself, in pursuance of the notice I gave some time ago.

Mr. SMOOT. I object at this time to printing the article in the Record.

Mr. GALLINGER. Mr. President—

Mr. WORKS. I reserve the right to use it at some other time, and I withdraw the request for the present.

Mr. GALLINGER. I was about to remark, if the Senator will permit me, that the objection will hold until the Senator who offered it or some other Senator will read it to the Senate, and then it will go into the Record. That is about all an objection amounts to.

ESTIMATES OF DEFICIENCY APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney General submitting an urgent estimate of deficiency in the appropriation for printing and binding, Court of Claims, for the fiscal year ending June 30, 1916, \$5,000 (S. Doc. No. 258), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Agriculture submitting an urgent estimate of appropriation for destruction of predatory animals for suppression of rabies, \$75,000 (S. Doc. No. 257), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Agriculture submitting an urgent estimate of appropriation for cooperative investigations for eradication of white-pine blister rust, \$20,000 (S. Doc. No. 259), which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 7617) to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall, in certain cases, aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

Mr. GALLINGER presented the petition of Eugene L. Aldrich, of Keene, N. H., praying for the enactment of legislation to prohibit interstate commerce in the products of child labor, which was referred to the Committee on Interstate Commerce.

He also presented the memorial of A. Sharpe, of Wolfeboro, N. H., remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented the petition of Albert D. Carter, of Tilton, N. H., praying for the imposition of a duty on dyestuffs, which was referred to the Committee on Finance.

He also presented the petition of James L. McConanghy, of Hanover, N. H., praying that increased appropriations be made for the maintenance of the Bureau of Education, which was referred to the Committee on Appropriations.

Mr. CUMMINS presented petitions of sundry citizens of Waverly, Dubuque, Durango, and Dows, all in the State of Iowa, praying for the placing of an embargo on the exportation of munitions of war, which were referred to the Committee on Foreign Relations.

Mr. NORRIS presented a memorial of sundry citizens of Nebraska, remonstrating against an increase in armaments, which was referred to the Committee on Military Affairs.

Mr. McCUMBER presented a memorial of the American-Norwegian Chamber of Commerce, of Chicago, Ill., remonstrating against the interference with trade between Norway and the United States, which was referred to the Committee on Foreign Relations.

He also presented petitions of 240 citizens of North Dakota, praying for the enactment of legislation to fix a standard price for patented and trade-marked articles, which were referred to the Committee on Education and Labor.

He also presented memorials of the Farmers' Educational and Cooperative Union of Center and of the Farmers' Educational and Cooperative Union of Burleigh County, in the State of North Dakota, remonstrating against an increase in armaments, which were referred to the Committee on Military Affairs.

Mr. NELSON presented a memorial of the American-Norwegian Chamber of Commerce, of Chicago, Ill., remonstrating against the interruption of commerce between the United States and Norway by the British Government, which was referred to the Committee on Foreign Affairs.

Mr. O'GORMAN presented a petition of the Chamber of Commerce of Plattsburg, N. Y., praying for the creation of a tariff commission, which was referred to the Committee on Finance.

He also presented a memorial of the Real Estate Board of Trade of New York City, N. Y., remonstrating against an extension

of the so-called emergency war-revenue law as applied to real estate, which was referred to the Committee on Finance.

He also presented the memorial of Dr. John T. Nagle, of New York City, N. Y., remonstrating against the automatic citizenship of expatriated natives, of naturalized Americans, and those who have enlisted in the service of foreign Governments being restored to American citizenship without naturalization, etc., which was referred to the Committee on Foreign Relations.

Mr. ASHURST. I present a petition signed by a number of citizens of the town of Nogales, Ariz. I ask that the body of the petition, together with the first signature, be printed in the RECORD, and that the petition be referred to the Committee on Foreign Relations.

There being no objection, the petition was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

NOGALES, ARIZ., January 17, 1916.

To Senator HENRY F. ASHURST, Washington, D. C.:

We, the undersigned, members of the Chamber of Commerce and citizens of the town of Nogales, Ariz., desire to express our sincere sorrow for the relatives and friends of the victims of the dastardly outrage committed by Mexican outlaws and bandits, whoever they may be, at Santa Isabel, Chihuahua, on Monday, January 10, 1916, and our heartfelt sympathy for them in their hour of great grief and sorrow.

Realizing as we do the deep gravity of the situation which now on all sides confronts the American people and the grave responsibility which is placed upon President Wilson and the administration at Washington, we hereby desire to express our full confidence in the President and those in authority with him, and as American citizens to assure him and them of our loyal support and assistance in arriving at a correct and just solution of the difficult problems with which they find themselves confronted.

And we condemn, with all the vehemence of which we are capable, and repudiate the rash, unnecessary, ill-timed, uncalled-for and insulting resolutions prepared and adopted by a committee purporting to represent the Nogales Chamber of Commerce, as published in a Nogales newspaper; and we most emphatically deny that these resolutions express the sentiment of the people of Nogales or that the persons responsible for them represent the populace of this border community.

We believe that at such a time as the present it is the duty of every loyal American to refrain from giving rise to any act, or expression to any thought, which may in any manner or to any degree cause embarrassment to those in authority; and when, as now, the administration and the Congress of the United States are giving the benefit of their united wisdom, coupled with their years of experience, to the solution of the problems on hand, and when every word spoken by them is guarded in the interest of true Americanism, we regret the indiscretion which prompted the resolution of such committee.

ALLEN T. BIRD,
(And 37 other names).

Mr. PHELAN. I present a joint resolution of the Legislature of California, which I ask may be printed in the RECORD and referred to the Committee on Public Health and National Quarantine.

There being no objection, the joint resolution was referred to the Committee on Public Health and National Quarantine and ordered to be printed in the RECORD, as follows:

Assembly joint resolution 2 (by Mr. H. W. Wright, of sixty-ninth district) relating to Federal aid for indigent persons afflicted with tuberculosis in State or other institutions when such persons are nonresidents of the State in which such institutions are located.

Whereas the State of California has made such provision as its resources allow for the proper care in public institutions of patients afflicted with tuberculosis of the lungs; and

Whereas many thousands of patients afflicted with tuberculosis come to this State from other States, many of whom become a charge on State and municipal funds; and

Whereas there has been introduced in Congress a bill providing Federal aid for indigent nonresident tuberculosis patients cared for in hospitals which conform to the hygienic standard established by the United States Treasury Department: Now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That we consider the proposed measure to be of the greatest importance to this State and to the whole Nation, and express the hope that it may become law at the present session of Congress; and be it further

Resolved, That our Senators and Representatives in Congress be, and they are hereby, requested to use all honorable means to expedite and secure the passage of said bill; and be it further

Resolved, That the chief clerk of the assembly be, and he is hereby, directed to transmit a certified copy of these resolutions to the President and Speaker, respectively, of the Senate and House of Representatives and to each of our Senators and Representatives in Congress.

C. C. YOUNG,
Speaker of the Assembly.
L. B. MALLORY,
Chief Clerk of the Assembly.

Received by the governor this 10th day of January, A. D. 1916.

ALEXANDER MCCABE,
Private Secretary to the Governor.

Witness my signature and the seal of this office at Sacramento this 10th day of January, A. D. 1916.

[SEAL.] FRANK C. JORDAN,

Secretary of State.

Mr. PHELAN presented a petition of sundry citizens of Loomis, Cal., praying for the enactment of legislation to exploit the water power of the country, which was ordered to lie on the table.

He also presented sundry papers to accompany the bill (S. 3872) for the relief of John Horgan, which were referred to the Committee on Claims.

Mr. MARTINE of New Jersey presented a petition of the Society of the Sons of the American Revolution of New Jersey, praying for an increase in armaments, which was referred to the Committee on Military Affairs.

He also presented a petition of the State Federation of Women's Clubs of East Orange, N. J., praying for Federal censorship of motion pictures, which was referred to the Committee on Education and Labor.

Mr. DU PONT presented a petition of the German-American Alliance of Wilmington, Del., praying for the enactment of legislation to prohibit American citizens from taking passage on vessels of a belligerent country, which was referred to the Committee on Foreign Relations.

Mr. TOWNSEND presented a petition of sundry citizens of Jackson, Mich., praying for the enactment of legislation to grant pensions to civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

Mr. WORKS presented a petition of sundry citizens of Los Angeles, Cal., praying for the imposition of a prohibitive tax on intoxicating liquors, which was referred to the Committee on Finance.

He also presented a petition of the Church Federation of Sacramento, Cal., praying for the enactment of legislation to make the national parks available as playgrounds, which was referred to the Committee on Education and Labor.

He also presented a petition of the City Council of Los Angeles, Cal., praying that an appropriation be made for the construction of a dam north of Los Angeles Harbor, which was referred to the Committee on Commerce.

He also presented a petition of the Chamber of Commerce of San Pedro, Cal., praying that an appropriation be made for the control of the floods in the harbor of Los Angeles, which was referred to the Committee on Commerce.

He also presented petitions of the Merchants' Association of Fresno; the California Development Board, of San Francisco; and the Merchants' Association of Colton, all in the State of California, praying for the enactment of legislation to protect the rights of oil producers and consumers, which were referred to the Committee on Public Lands.

Mr. SHERMAN presented a petition of sundry citizens of Chicago, Ill., praying for the adoption of an amendment to the Clayton antitrust law so as to permit directors of national banks to also be directors in State banks, which was referred to the Committee on the Judiciary.

He also presented the petition of J. M. Garland, of Springfield, Ill., praying for the repeal of the stamp tax on express, telegrams, and notes, and remonstrating against the imposition of a stamp tax on bank checks, which was referred to the Committee on Finance.

Mr. WEEKS presented sundry papers to accompany the bill (S. 3346) conferring jurisdiction on the Court of Claims to adjudicate the claims of the State of Massachusetts, which were referred to the Committee on Claims.

REPORTS OF COMMITTEE ON CLAIMS.

Mr. GIRONNA, from the Committee on Claims, to which was referred the bill (S. 1326) for the relief of Vilhelm Torkildsen, reported it with an amendment and submitted a report (No. 68) thereon.

Mr. LANE, from the Committee on Claims, to which was referred the bill (S. 640) for the relief of Ellen B. Monahan, reported it with an amendment and submitted a report (No. 69) thereon.

Mr. CATRON, from the Committee on Claims, to which was referred the bill (S. 142) for the relief of Mrs. George A. Miller, reported it with an amendment and submitted a report (No. 70) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. O'GORMAN:

A bill (S. 3949) to increase the limit of cost of the construction of a Federal building at Long Island City, Long Island, N. Y.; to the Committee on Public Buildings and Grounds.

By Mr. MARTINE of New Jersey:

A bill (S. 3950) governing the hours of work and mileage of railway postal clerks (with accompanying papers); to the Committee on Post Offices and Post Roads.

By Mr. SHEPPARD:

A bill (S. 3951) to establish national cooperative rural banking associations; to the Committee on Banking and Currency.

A bill (S. 3952) making appropriation for investigation and promotion of rural education; to the Committee on Education and Labor.

A bill (S. 3953) requesting the Secretary of the Treasury to investigate and report as to the advisability of erecting public buildings in certain towns and cities in Texas; to the Committee on Public Buildings and Grounds.

By Mr. HUGHES:

A bill (S. 3954) to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved March 4, 1915; to the Committee on Interstate Commerce.

Mr. BORAH. On behalf of my colleague, who is absent on account of illness, I introduce a number of bills, and ask that they be received and appropriately referred.

By Mr. BORAH (for Mr. BRADY):

A bill (S. 3955) for the relief of Aaron Kibler; to the Committee on Military Affairs.

A bill (S. 3956) for the relief of John Boyd (with accompanying papers); to the Committee on Indian Affairs.

A bill (S. 3957) authorizing the submission to the Court of Claims of the claims of sundry citizens of Idaho for damages sustained by reason of the overflow of their lands in connection with the construction of the reservoir to irrigate lands belonging to the Indians on the Fort Hall Reservation, in Idaho;

A bill (S. 3958) for the relief of Peter W. Anderson;

A bill (S. 3959) for the relief of Fred Larsen; and

A bill (S. 3960) for the relief of Mary Van Deventer; to the Committee on Claims.

By Mr. McCUMBER:

A bill (S. 3961) to correct the military record of Robert Kee, alias Robert Adams; to the Committee on Military Affairs.

A bill (S. 3962) for the relief of the legal representatives of the estate of Henry H. Sibley, deceased; to the Committee on Claims.

A bill (S. 3963) granting an increase of pension to Nellie S. Nanson;

A bill (S. 3964) granting an increase of pension to Max A. Pietsch;

A bill (S. 3965) granting an increase of pension to Halvor Anderson (with accompanying papers); and

A bill (S. 3966) granting an increase of pension to James A. McConkey (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 3967) to survey and locate a military and post road from St. Louis, Mo., to Olympia, Wash.; to the Committee on Military Affairs.

A bill (S. 3968) granting an increase of pension to Charles W. Sager (with accompanying papers); and

A bill (S. 3969) granting an increase of pension to John R. Randall (with accompanying papers); to the Committee on Pensions.

By Mr. PHELAN:

A bill (S. 3970) providing for the construction and equipment of a storehouse at Benicia Arsenal, State of California; to the Committee on Military Affairs.

By Mr. SHIELDS:

A bill (S. 3971) granting a pension to Mary A. Newman (with accompanying paper); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 3972) to provide for selection by the Omaha Indians and the setting apart of reservation lands for tribal cemetery purposes; to the Committee on Indian Affairs.

By Mr. CATRON:

A bill (S. 3973) for the relief of Clyde R. Altman; to the Committee on Military Affairs.

By Mr. BROUSSARD:

A bill (S. 3974) relating to certain employees under the Civil Service; to the Committee on Civil Service and Retrenchment.

By Mr. DU PONT:

A bill (S. 3975) granting an increase of pension to Harry Colpus; to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 3976) to limit the effect of the regulation of interstate commerce between the States in goods, wares, and merchandise wholly or in part manufactured, mined, or produced by convict labor or in any prison or reformatory; to the Committee on the Judiciary.

A bill (S. 3977) to authorize the Shamokin, Sunbury & Lewisburg Railroad Co., its lessees, successors, and assigns, to con-

struct a railroad bridge across the Susquehanna River from the borough of Sunbury, Northumberland County, Pa., to Monroe Township, Snyder County, Pa.; and

A bill (S. 3978) to authorize the Catawissa Railroad Co., its lessees, successors, and assigns, to construct a railroad bridge across the west branch of the Susquehanna River from the borough of Milton, Northumberland County, Pa., to the borough of West Milton, Union County, Pa.; to the Committee on Commerce.

(By request.) A bill (S. 3979) for the relief of Clyde R. Altman; to the Committee on Military Affairs.

A bill (S. 3980) granting an increase of pension to Benjamin Jenkins; to the Committee on Pensions.

By Mr. JAMES:

A bill (S. 3981) for the relief of S. Hodge (with accompanying papers); to the Committee on Claims.

By Mr. POINDEXTER:

A bill (S. 3982) to establish the Mount Baker National Park in the State of Washington; to the Committee on Public Lands.

A bill (S. 3983) authorizing the President to appoint Charles F. Smith a first lieutenant of the Regular Army, and for other purposes; to the Committee on Military Affairs.

By Mr. BORAH (for Mr. BRADY):

A joint resolution (S. J. Res. 87) for the relief of N. B. Pettibone; to the Committee on Post Offices and Post Roads.

THE JUDICIAL CODE.

Mr. SHIELDS submitted four amendments intended to be proposed by him to the bill (S. 1412) further to codify, revise, and amend the laws relating to the judiciary, which were referred to the Committee on the Judiciary and ordered to be printed.

STATUE OF HENRY MOWER RICE.

Mr. NELSON. I submit a resolution, which I send to the desk, and ask for its immediate consideration.

The VICE PRESIDENT. The resolution submitted by the Senator from Minnesota will be read.

The Secretary read the resolution (S. Res. 80), as follows:

Resolved, That exercises appropriate to the reception and acceptance from the State of Minnesota of the statue of Henry Mower Rice, erected in Statuary Hall in the Capitol, be made the special order for Saturday, February 19, 1916, after the conclusion of the routine morning business.

Mr. NELSON. Mr. President, I wish to say in explanation of the resolution that the statue of Mr. Rice, who was the first Senator from Minnesota, is soon to be placed in Statuary Hall in the Capitol, and that this resolution follows the precedent which has been established in such cases.

The resolution was considered by unanimous consent and agreed to.

EMPLOYMENT OF ADDITIONAL CLERK.

Mr. McCUMBER submitted the following resolution (S. Res. 81), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Transportation Routes to the Seaboard be authorized to employ an additional clerk, at a salary of \$100 per month, for the balance of the present fiscal year, the same to be paid out of the contingent fund of the Senate.

EMPLOYMENT OF ASSISTANT CLERK.

Mr. CHILTON submitted the following resolution (S. Res. 82), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on the Census be authorized to employ an assistant clerk at the rate of \$120 per month, to be paid out of the contingent fund of the Senate for a period not exceeding two months.

COMMITTEE SERVICE.

The VICE PRESIDENT. The Chair lays before the Senate the following communication, which will be read.

The Secretary read as follows:

UNITED STATES SENATE,
Washington, D. C., January 25, 1916.

The VICE PRESIDENT,
United States Senate, Washington, D. C.

DEAR MR. PRESIDENT: This is to inform you that I desire to be relieved from further service on the Committee on the Disposition of Unsettled Papers in the Executive Departments.

Very truly, yours,

HARRY LANE.

Mr. KERN. I send to the desk my resignation as a member of the Committee on the District of Columbia, which I ask may be read.

The VICE PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

UNITED STATES SENATE,
Washington, D. C.

MR. PRESIDENT: I hereby resign my membership on the Committee on the District of Columbia.

JOHN W. KERN.

Mr. KERN. I move the adoption of the following order.

The order was read and agreed to, as follows:

Ordered, That Hon. JAMES D. PHILLAN, junior Senator from the State of California, be appointed as a member of the Committee on the District of Columbia to fill the vacancy occasioned by the resignation of Senator KERN.

ADDRESS BY J. F. CALBREATH.

Mr. SHAFROTH. Mr. President, I present an address by J. F. Callbreath, secretary of the American Mining Congress, delivered January 4, 1916, before the second Pan American Scientific Congress in Washington, District of Columbia. I ask unanimous consent that it be made a public document.

Mr. SMOOT. I am of the opinion that that address has already been printed as a public document in connection with the other addresses which were delivered before that congress.

Mr. SHAFROTH. If that is true, I do not care to press the request.

The VICE PRESIDENT. It had better go to the Committee on Printing.

Mr. SHAFROTH. I will withhold it.

Mr. SMOOT. Let it go to the Committee on Printing.

The VICE PRESIDENT. It will be so referred.

NEW YORK STATE BAR ASSOCIATION.

Mr. O'GORMAN. Mr. President, I ask unanimous consent to have printed as a public document the second report of the committee on the duty of courts to refuse to execute statutes in contravention of the fundamental law, adopted by the New York State Bar Association.

Mr. SMOOT. I ask that that paper may go to the Committee on Printing.

Mr. O'GORMAN. We printed the first report and this is the second one.

Mr. SMOOT. I will look it over and see about it.

The VICE PRESIDENT. The matter will be referred to the Committee on Printing.

ADDRESS BY HON. A. C. GORDON (S. DOC. NO. 256).

Mr. MARTIN of Virginia. Mr. President, on the 4th day of March, 1911, Congress made an appropriation for the erection of a suitable monument over the grave of ex-President John Tyler. The monument, in accordance with the act of Congress, was erected by the War Department, and it was dedicated on the 12th day of October, 1915. In the meantime a committee of the two Houses had been appointed to represent Congress at the dedication.

On the occasion of the dedication a very able and interesting address was delivered by Mr. A. C. Gordon, a distinguished author and lawyer in my State. The address is such a very able and philosophic discussion of the period of President Tyler that I ask it may be printed as a Senate document.

Mr. SMOOT. I will ask the Senator if the address was delivered in connection with the dedication of the monument?

Mr. MARTIN of Virginia. It was. The monument was erected under an act of Congress, and a delegation from Congress was present to represent Congress at the dedication. I ask that the address may be printed as a document.

The VICE PRESIDENT. Without objection, it is so ordered.

TARIFF COMMISSION.

Mr. GORE. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from President Nicholas Murray Butler, of Columbia University, in favor of establishing a permanent tariff commission; also a letter from Prof. Hadley, of Yale University, on the same subject; also a letter from Hon. E. A. Filene, of Boston, favoring the establishment of such a commission.

I ask to have read to the Senate a letter from Hon. Howard H. Gross, of Chicago, president of the Tariff Commission League.

The VICE PRESIDENT. Is there objection?

Mr. SMOOT. I do not know how long these letters are.

Mr. GORE. I ask for the reading of only one of the letters. It is not very lengthy. The others I ask to have printed in the RECORD without reading.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will read the letter referred to.

The Secretary read as follows:

JANUARY 25, 1916.

MY DEAR SENATOR: I am very glad to reply to your inquiry and say why, in my opinion, a nonpolitical tariff commission should at once be created and permanently maintained. As president of the Tariff Commission League, I have for more than a year, aided by a number of able field assistants, made a careful study of the subject and a thorough canvass of more than 30 States to feel out public sentiment. The following summary is conservative as to conditions and how it is best to meet them.

We are facing a future of great uncertainty and perhaps of peril. Our revenues must be largely increased and the tariff should be readjusted with that in view. Since the Underwood-Simmons Tariff Act

was passed conditions have greatly changed and are still changing. No one can approximate what the situation will be in six months or a year. We are sure that, with over fifty billions of wealth already destroyed and half a continent laid waste by war, that when peace comes and ten to twenty millions of men, now in trenches, go back to the industries we will, in common with all other countries, face an unparalleled situation that will call for a world-wide readjustment.

If it were conceded that the present tariff laws were the best ever enacted, it does not now and can not under the changed conditions meet the requirements. The data upon which it was based has in a large measure become obsolete. There seems but one thing to do: Make at once such changes as will increase the revenue to the amount required and at the same time create a nonpolitical tariff commission, equally balanced between the majority and minority parties, and give its members a long tenure of office, with broad powers and an ample appropriation, so that it may take up and fully and fairly investigate the whole subject of tariff, both revenue and protective, gather all the facts that can be had, and then analyze, arrange, classify, and index them with such explanations as will make them readily understood and available.

This commission should be responsive to Congress and it should be broadly representative of all the people and all the great industries, including agriculture and labor along with manufactures, commerce, and general business. Given a commission of high personnel and its reports and conclusions would be accepted by the people. If, however, the same work were done by a bureau responsive to a Cabinet officer, the result would be regarded as ex parte and open to question.

The demand for a nonpolitical tariff commission is widespread and insistent and comes from all classes of people from various parts of the country. The American Federation of Labor at its late convention in San Francisco went on record strongly for it, and instructed its legislative committee to work for the passage of an act to create such a commission upon which both agriculture and labor should be represented. The National Grange and other agricultural organizations are actively supporting it. Practically the entire agricultural and labor press are urging the plan. The Chamber of Commerce of the United States, by a referendum vote of 715 to 9, are in favor of such a commission. The records of our league are comprehensive and have been carefully kept. They show that more than 90 per cent of the organizations, associations, and publications, representing all political parties and all forms of activity, strongly approve the plan. Where six months ago occasional paragraphs appeared upon the subject, now columns are being printed. I never have known a movement having a more vigorous or spontaneous growth. The people with practically one voice declare that the tariff must be put upon an economic rather than a political basis. Is it a vain hope that when all the facts are fully, fairly, clearly, and impartially brought out and put before the people in understandable form that they will speedily declare for a tariff policy and adhere to it as other countries have done? The people think straight. Give them all the facts and turn on the light. The people should keep clearly before them that the tariff commission is not to decide upon tariff policies. That is the people's job. The commission can not make rates. Congress must do that. In tariff enactments, however, an able and efficient tariff commission can render invaluable service to the congressional committees, prevent them from being imposed upon by an unscrupulous lobby, and, with all the facts at hand, it can aid in a wise adjustment of the tariff rates as may become necessary. For generations we have tried making tariffs upon insufficient data plus guesswork and inspiration, and we have failed to satisfy the people. Within 23 years we have had five tariff revisions, and every time business has been upset, losses have taken the place of profits with hundreds of thousands of idle men. If the aggregate loss could be totaled the sum would be appalling. One of the first steps in a sane program of preparedness is to increase the revenue and get ready to adjust ourselves to coming conditions. We must prepare for peace as well as for war. Anyone who would tinker the tariff for political ends under existing conditions should be regarded a public enemy.

Very truly, yours,

HOWARD H. GROSS,
President of the Tariff Commission League,
To the Hon. THOMAS PRYOR GORE,
United States Senate.

AMERICAN FEDERATION OF LABOR,
Washington, D. C., January 12, 1916.

Mr. H. H. GROSS,
Congress Hall Hotel, Washington, D. C.

DEAR SIR: The American Federation of Labor at its recent convention, held in San Francisco, November 8 to 22, 1915, adopted the following resolution:

- "Whereas periods of industrial depression are of frequent occurrence and cause loss of employment to thousands of wage earners throughout the country; and
- "Whereas these industrial depressions are often prolonged and made more acute by the political methods that have been followed in dealing with the question of tariff schedules; and
- "Whereas an agitation is now in progress throughout the country in favor of taking the tariff out of politics, through the creation by Congress of a permanent nonpartisan tariff commission: Therefore be it

"Resolved, That the American Federation of Labor indorses the idea of a nonpartisan tariff commission, and directs the executive council to instruct the incoming legislative committee to work for the passage of a bill creating a tariff commission on which all interest, including agriculture and labor, shall be directly represented."

This action of the convention expresses the attitude of the organized labor movement of America toward the creation of a permanent nonpartisan tariff commission, a movement in which you are greatly interested. As I thought this action of the convention might be of considerable use to you, I am officially notifying you.

Very truly, yours,

SAM GOMPERS,
President American Federation of Labor.

The additional letters were ordered to be printed in the RECORD, as follows:

COLUMBIA UNIVERSITY,
New York, November 15, 1915.

Hon. T. P. GORE,
United States Senate, Washington, D. C.

MY DEAR SIR: In reply to your kind inquiry for suggestions in regard to Senate bill 7190, being a bill to create an international

trade and tariff board, introduced by you at the third session of the Sixty-third Congress on January 8, 1915, and referred to the Committee on Finance, I beg to say—

1. That I am very much in favor of the creation of a tariff board or commission, with as large powers as may be found permissible under the Constitution, not only to inquire into matters of cost, production, labor conditions, and the like, but actually to formulate proposals and recommendations for the consideration of the Congress. The commission should have this power on its own initiative without being specifically asked to exercise it by the Congress. If the men appointed to the tariff board or commission were really disinterested and intelligent men, public opinion would do the rest.

2. That, in my judgment, the tariff policy of the United States should, in addition to providing revenue, be used to organize and to develop the national industries and resources and to conserve them, as well as to round out groups of industries and to make the United States industrially independent, at least in certain of the major lines of manufactured goods. For example, the experiences growing out of the European war show clearly that we must build up in this country a whole series of chemical industries, including particularly the dyestuffs, as to which we have heretofore been almost entirely dependent on other countries, especially Germany.

3. That the composition of the tariff board or commission should be without any regard to politics whatever, and that there should be no provision in the bill for dividing the commission between two or more political parties or for representing political parties thereon. If the tariff commission starts as a political body, it will end as a worthless one.

4. That care should be taken not to duplicate or in any way to overlap the functions and jurisdiction of the existing Trade Commission. The law establishing that commission is very defective, but a good seed has been sown from which later on important fruit may be gathered.

Without more study I could not express any opinion as to whether or not there exists in the present Government administrative service any body which might be transformed into an international tariff or trade commission without involving us in the steadily increasing expense which always attaches to a new administrative unit. What we sorely need in Washington is administrative reorganization and simplification, in order that the people's business may be transacted as efficiently and as economically as is the business of the stockholders of a first-rate railway or manufacturing corporation.

It will interest me very much to follow the public consideration and discussion of this bill.

Faithfully yours,

NICHOLAS MURRAY BUTLER.

YALE UNIVERSITY,
New Haven, Conn., November 22, 1915.

Hon. T. P. GORE.

MY DEAR SIR: Your bill creating an international trade and tariff board appears to me to be a wise one and to be drawn on the right general lines. I do not feel that I am in sufficiently close touch with the administrative problems that such a board would have to take up to be able to say more than this or to offer detailed suggestions as to the possible improvement of the proposed measure.

Very sincerely,

ARTHUR T. HADLEY.

BOSTON, November 15, 1915.

MY DEAR SENATOR: I have read the draft of the tariff board bill which you introduced in the last Congress with much interest, and I am writing to you because I want you to know that I am strongly in favor of your recommendation that the board shall consist of three Republicans and three Democrats. I feel that there will be a great advantage in such a make-up, and that its chance of being passed at the next session of Congress will be largely increased thereby.

The name of the bill, I think, was stronger in the old form—"International Trade and Tariff Board"—than it will be if you introduce the word "efficiency." However, it seems to me that it might be further strengthened by substituting, as a suggestion, the word "taxation" in the place of the word "tariff." In this way you will cover the whole ground of taxation and not be limited to the tariff. This, it seems to me, would be a very wise substitution, because the task of dealing with the entire subject of taxation is one which will naturally develop from a scientific study of the tariff situation. When it comes to efficiency, however, it is another matter, and the word itself has been so misapplied, and the results of this misapplication have so antagonized many manufacturers and business men, that it seems to me it will arouse more opposition than will be wise for us to incur.

You have asked whether I consider that \$7,500 would be an adequate compensation. Frankly, I do not. I think that the members of this commission should certainly be of at least as high grade as the members of the Federal Reserve Board, and I do not believe that such men can be obtained for less than \$10,000 salaries. An appropriation of \$250,000, I should say, would, therefore, be much nearer the figure than \$100,000.

Now, as to section 7, I am of the opinion that this commission should sit continuously through at least eight months of the year; and it would seem to me wise that the Secretaries of Commerce, Agriculture, and Labor and representatives of commercial organizations should meet with the tariff board on stated occasions to consider special questions likely to affect, or be affected by, their several departments. The precedent for this has already been set, I should think, by the fact that the Secretary of Commerce meets often the representatives of business organizations in order to promote the same good feeling for which it seems to be the purpose of your section to provide. With the other provisions of this section and of the bill I find myself practically in agreement. I hope that, as your letter seems to suggest, your purpose is to push it, if possible, to passage at the next session.

With kindest regards, believe me, sincerely yours,

EDWARD A. FILENE.
NOVEMBER 21, 1915.

I have held this letter to again think it over carefully. I find, after studying the matter once more, that this letter expresses my best judgment, except that I now find that I am doubtful whether the change suggested as to including "taxation" in the title is good advice.

E. A. F.

Hon. T. P. GORE,
Senator from Oklahoma, Washington, D. C.

HOUSE BILL REFERRED.

H. R. 7617. An act to provide that in order to promote agriculture, afford better facilities for rural transportation and marketing farm products, and encourage the development of a general system of improved highways, the Secretary of Agriculture, on behalf of the United States, shall in certain cases aid the States in the construction, improvement, and maintenance of roads which may be used in the transportation of interstate commerce, military supplies, or postal matter was read twice by its title and referred to the Committee on Agriculture and Forestry.

INTERFERENCE WITH FOREIGN RELATIONS.

Mr. WALSH. Mr. President, I desire to give notice that on Friday next, the 28th instant, at the conclusion of the routine morning business, I shall address the Senate on the subject of interference with our foreign relations.

ELECTION OF SENATORS.

Mr. SHIELDS. Mr. President, when the Senate had under consideration Senate bill No. 2860, providing a temporary method of conducting the nomination and election of Senators of the United States, in February, 1914, Senator Bacon, of Georgia, moved to amend by striking out the provisions of section 2 of the bill, regulating the nomination of candidates for Senator, the objection to these being that while Congress had the power, under Article I, section 4, of the Constitution, to make or alter the regulations provided by the States concerning the time and manner of holding elections for Senators and Representatives, it had no power to regulate the nomination of candidates by political parties for these offices; and in this position he was supported by a number of Senators. I was one of the number in favor of the amendment, upon the grounds stated, and presented a number of adjudged cases which I then believed and now believe upheld the position that nominating devices of political parties were no part of an election and the control of them was not within the power and jurisdiction of the Congress. The adjudged cases upon which I relied were from the courts of last resort of a number of the States, but did not include any from the Federal courts. Since that time the question has been presented in the case of *C. P. Elliott v. R. L. Thompson et al.*, lately pending in the United States district court for the western division of the western district of the State of Missouri, and determined in all things as contended by Senator Bacon and those agreeing with him. The opinion in the case was delivered by Hon. Wilbur F. Booth, one of the district judges of the United States and a jurist of great learning and ability.

The question involved in the amendment of Senator Bacon was considered one of great importance by many Senators, as they regarded the provision for controlling the nomination of Members of Congress an insidious and gross encroachment upon and violation of the rights of the sovereign States to control their local affairs, and is not yet settled in favor of the legislation. It may come up again in Congress, and I desire, in support of the views of those who supported the amendment, to have the opinion of Judge Booth printed in the *RECORD*, and ask unanimous consent that it be done.

The VICE PRESIDENT. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and it is so ordered.

The opinion referred to is as follows:

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DIVISION OF THE WESTERN DISTRICT OF MISSOURI, AT KANSAS CITY.

C. P. ELLIOTT, PLAINTIFF, V. R. L. THOMPSON, BENJAMIN RAPP, MAX C. ENGLEHARDT, PAT MURPHY, H. M. SMITH, J. C. BAIRD, R. H. FOSTER, H. C. HILL, WM. S. BEEBE, LEWIS SCHAFFER, WM. CONLIN, C. H. HERSEY, PETER KLINK, ET AL., DEFENDANTS.

This is an application by plaintiff for a *dedimus potestatem* to take depositions, as provided by section 866, Revised Statutes of the United States.

The application is opposed by defendants on the ground that the court has not jurisdiction of the action; on the further ground that the complaint does not state a cause of action; and on the further ground that the application should not be granted, because the granting of it would be contrary to the provisions of the constitution and statutes of the State of Missouri.

The action is brought by a citizen of the State of Missouri against defendants, who are also citizens of the State of Missouri, for damages alleged to have been sustained by reason of a conspiracy on the part of all of the defendants, and by reason, pursuant thereto, of the refusal by several of the defendants acting as judges and clerks of a certain primary election held in the city of Kansas City, State of Missouri, on the 4th day of August, 1914, to count the vote of the plaintiff as cast by him for WILLIAM P. BORLAND for Member of Congress.

Jurisdiction by this court is claimed to exist on the ground that the action is one arising under the Constitution and laws of the United States; the plaintiff alleging, "that said defendants herein did procure and cause the plaintiff to be deprived of a right and privilege secured to him by the Constitution and laws of the United States of voting for a Member of Congress for the fifth congressional district."

The right of suffrage in general is not a right that is based upon the Constitution and laws of the United States, nor conferred by Congress

upon anyone, but is conferred by the several States. (*Minor v. Happersett*, 21 Wall., 162; *United States v. Reese*, 92 U. S., 214; *United States v. Cruikshank*, 92 U. S., 544.)

The right to vote for Members of Congress, however, is based upon the Constitution and laws of the United States, and Congress may pass laws to protect this right. (*Ex parte Yarbrough*, 110 U. S., 651; *United States v. Moseley*, 237 U. S., 1.)

In the exercise of its power to protect this right Congress may adopt and has adopted many of the State laws relating to elections, and has provided punishment for a violation thereof, so far as such violations occur in elections where Representatives in Congress are being elected. That the officers of election wherein Representatives in Congress are elected, though appointed by the State, yet owe a duty to the United States, is also settled. (*Ex parte Siebold*, 100 U. S., 371; *Ex parte Clark*, 100 U. S., 401; *In re Coy*, 127 U. S., 731; *United States v. Aczel*, 219 Fed., 917.)

Furthermore, in cases of contested elections for Representatives in Congress the Federal courts have power to issue subpoenas to obtain evidence, and may authorize the taking of evidence before commissioners. (*In re Howell*, 119 Fed., 465.)

Even where the State constitution and laws, as in Arkansas, provide for sealing up the ballots and forbid their being opened, except in cases of contested election, it has been held that such ballots can be ordered produced before Federal grand jury in an investigation for violation of the Federal election laws. (*In re Massey*, 45 Fed., 629.)

Furthermore, wrongful interference with the right to vote at an election for a Representative in Congress gives rise to a cause of action against the wrongdoer, and such cause of action is one arising under the constitution and laws of the United States. (*Wiley v. Sinkler*, 179 U. S., 58; *Swafford v. Templeton*, 185 U. S., 491; *Knight v. Shelton*, 134 Fed., 423; *Brickford v. Brooks*, 165 Fed., 543.)

But, though the foregoing principles appear to be well established, it does not necessarily follow therefrom that the right to participate in a State primary election is a right arising under the Constitution and laws of the United States, even though Representatives in Congress may be nominated at such primary election. And the crucial question in this case is whether, conceding the right to vote at said primary election existed in the plaintiff, and conceding that this right was violated by the defendants, this state of facts gives rise to a cause of action which can be said to be a case arising under the Constitution and laws of the United States.

A State primary election is not an election within the meaning of that term as used in the State constitutions and laws. This is the view of the courts in the great majority of the decisions, although there are decisions to the contrary. (*State ex rel. Taylor*, 220 M. O., 619; *State v. Nichols*, 50 Wash., 508; *Lodgerwood v. Pitts*, 127 Tenn., 570; *State v. Johnson*, 87 Minn., 152; *State v. Erickson*, 119 Minn., 152; *Brown v. Smallwood* (Minn.), 153 N. W., 953; *Montgomery v. Cheif*, 118 Ky., 766; *Gray v. Seltz*, 162 Ind., 1.)

In *State v. Johnson*, supra, the court said:

"The primary election law simply adopts a general method by which all parties and organizations shall, in the interests of public order upon a certain day, within certain regulations, meet and select their various nominees to go upon the ballot for the ensuing election."

And again, in *State v. Erickson*, supra, the court said:

"Our primary election, which is purely of statutory origin, is the selection, by qualified voters, of candidates for the respective offices to be filled, while an election, which has its origin in the Constitution, is the selection by such voters of officers to discharge the duties of the respective offices."

The rights of candidates and voters at primary elections are widely different from the rights of candidates and voters at an election proper. Legislation on various points may be passed with reference to rights and procedure under a primary election which would be unconstitutional if applied to an election proper. The right at a primary is not a right to vote to elect, but a right to vote to nominate. In other words, the primary is a mere nominating device. See authorities supra.

It is claimed, however, that Congress has recognized primary elections, and attention is called to the act of August, 1911, chapter 32, being United States Compiled Statutes 1913, section 195.

But in my opinion, it does not follow that because Congress has recognized State primary elections for certain purposes that it has adopted all the State laws touching the preliminary machinery of the State primaries, so that such laws become, as to the election of Representatives in Congress, laws of the United States.

The case of *Anthony v. Burrow* (129 Fed., 783), in some respects analogous to the instant case, is instructive. Judge Pollock, after reviewing the cases of *ex parte Yarbrough*, *Wiley v. Sinkler*, and *Swafford v. Templeton*, supra, used the following language:

"From this it will be seen the claim made by solicitors for complainant, that the above and kindred cases hold the election machinery employed by the State in the selection of candidates for the office of Representative in Congress, becomes when so employed a part of the Federal law, and the construction of the same raises a Federal question, is claiming too much for such cases."

In the case at bar, not even the construction of the State law is involved, but it is contended that the violation of plaintiff's rights under said law constitutes a violation of the plaintiff's rights under the United States Constitution to vote for a Representative in Congress, because of a necessary connection between the right under the State law and the right under the United States Constitution. The claim is plausible, but, in my opinion, is not sound. As above stated, the great weight of authority is to the effect that a primary election is not an election within the meaning of the term as used generally in the State constitutions, and the same reasoning leads to the conclusion that a primary election is not an election within the meaning of that term as used in the Constitution of the United States in reference to the election of Representatives in Congress.

Nor is the right to participate in the primary to nominate candidates for Representatives in Congress a necessary part of the right to participate in the election. The primary election, as above shown, is simply a substitute for its predecessor, a convention or a caucus, and it is as stated above, a mere nominating device. It is true that in the interest of economy and practical efficiency in voting, many States have recognized this nominating device and prepare a so-called official ballot in accordance with the result of the primary; but no one is restricted in his vote at the final election to the names on the official ballot. At the election proper a voter may substitute a name of his own choice in place of a name on the ballot; this right can not be refused, and it is frequently exercised. The right therefore to participate in the nomination is not a necessary part of the right to elect, nor is it indispensably connected with it. In *State v. Johnson*, supra, the court said:

"The independence of the elector to cast his vote at the general election for those whom he believes will best represent his political ideas or best conserve public intercourse remains undisturbed."

While it is true that Congress has in the act of August, 1911, recognized for some purposes the primary election, it has also equally recognized nominating conventions. Would it be contended that if plaintiff had been voting for a precinct delegate to a county convention, which in turn should elect delegates to the congressional convention, which in turn should make nominations for Representatives in Congress, and the precinct judges had refused to count the plaintiff's vote as cast that a right of action in his favor would have arisen under the Constitution or laws of the United States? I think not. Yet his vote in the precinct would be a step taken toward the election of a Representative in Congress.

The weakness of the plaintiff's contention lies in the assumption that a nominating convention or a primary election is a necessary step in the election of a Representative in Congress. It is a very common step, but not a necessary step.

A primary election not being a necessary step in the election of a Representative in Congress, can not be held to be included by fair implication in the meaning of the term "election" as used in the Constitution of the United States touching the election of Representatives in Congress.

Whether it might be desirable for Congress to fully recognize and adopt the States' primary elections and the laws relating thereto so far as they relate to the nominations of Representatives in Congress and to provide for the protection and enforcement of the rights of voters at such primary elections is a question which the courts are not called upon to decide. It is sufficient to say that as yet Congress has not specifically done so, and, in my opinion, it has not done so by implication.

Before the court can grant the present application of the plaintiff it must decide that it has jurisdiction of the case on the ground that the action is one arising under the Constitution or laws of the United States. In my opinion the action does not so arise, either directly or by fair implication. Therefore I am constrained to hold that this court has not jurisdiction of the action, and it necessarily follows that the present application must be denied.

In view of the foregoing, it becomes unnecessary to decide or to discuss the other questions involved in the application.

Dated October 2, 1915.

WILBUR F. BOOTH, Judge.

THE GOVERNMENT OF THE PHILIPPINES.

The VICE PRESIDENT. The morning business is closed.

Mr. HITCHCOCK. Mr. President, I move that the Senate proceed to the consideration of the unfinished business—the Philippines government bill.

Mr. NEWLANDS. Mr. President—

The VICE PRESIDENT. The motion of the Senator from Nebraska is not debatable.

Mr. NEWLANDS. I wish to ask unanimous consent to say a few words.

The VICE PRESIDENT. Is there objection to the Senator from Nevada saying a few words? The Chair hears none. The Senator from Nevada.

Mr. NEWLANDS. Mr. President, I hope the motion made by the Senator from Nebraska [Mr. HITCHCOCK] will be defeated, because the regular order is the consideration of the calendar. When the calendar was last before the Senate we were in the consideration of the joint resolution providing for the appointment of a joint committee of the two Houses of Congress to inquire into interstate commerce. That matter has been dragging along for two or three days, but it will take only half an hour, or three-quarters of an hour, to conclude it, according to my present advices. I hope, therefore, that the regular order will be pursued.

The VICE PRESIDENT. The question is on the motion of the Senator from Nebraska [Mr. HITCHCOCK] to proceed to the consideration of Senate bill 381.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 381) to declare the purpose of the people of the United States as to the future political status of the people of the Philippine Islands and to provide a more autonomous government for those islands.

The VICE PRESIDENT. The pending amendment is the amendment offered by the Senator from Nebraska [Mr. NORRIS] to the amendment submitted by the Senator from Arkansas [Mr. CLARKE].

Mr. NORRIS. Mr. President, I offered the amendment which is now before the Senate as a substitute for the amendment offered by the Senator from Arkansas. Various amendments have been proposed to the amendment of the Senator from Arkansas. That Senator himself has had printed a different amendment, which, as I understand, he desires to substitute for his original amendment. Under the parliamentary procedure of the Senate none of these amendments are in order until the substitute which I have offered shall have been disposed of. I have, however, no disposition to prevent the consideration of these various amendments, and it may be that upon their presentation and consideration the amendment of the Senator from Arkansas may be so modified that it will meet with my approval. I therefore feel constrained at the present time to withdraw my amendment, with the statement that later on I may reintroduce it.

Mr. JONES. Mr. President, I had intended to give my views regarding this bill at some length. It is a most inviting field for discussion, but it has been considered from every viewpoint, and I shall not take much of the time of the Senate. In view of the votes I am going to cast, however, I deem a word of explanation proper.

I have no serious objections to the bill itself. Practically everybody in the Philippines seems to think some legislation of this character should be enacted now. I would be glad to vote for it standing alone.

I am unalterably opposed, however, to the preamble which pledges us to give the Filipinos their independence when we think it will be for their permanent benefit. While I believe it would be well for us when the Philippines shall be established as an absolutely independent nation, the time for that is not now. The preamble admits this fact, and those who know the situation know this to be a fact. The interests of the Filipinos should not alone determine the time for their separation from us. Our interests are at least of equal importance, and should not be disregarded, as they are in this pledge.

This problem is to be solved in the future, and future legislators should not be hampered or embarrassed by unnecessary action on our part. Let us solve the problems that confront us and leave them to solve their problems in their own way. No declaration with reference to independence is necessary now. It should not be made. It can only do harm. Wisdom, justice, and patriotism will not die with us. Future legislators will be just as wise and just as patriotic as we are. The conditions that will confront those who must deal definitely and directly with the question of independence may be entirely different from those which now confront us.

We have a striking illustration now of how quickly a change may be wrought in our public affairs and in our opinions and judgments. On December 8, 1914, a little over a year ago, the President of the United States was telling us in clear, classic, but emphatic language, not to get excited over war preparation, and that there was no need of changing the policy which we had been pursuing, while now, according to press reports, he is going to start out on a campaign of education to convince the people of the country that we are in danger from attack, that we lack adequate military preparation, and that immediate war preparation should be made. That message of December 8, 1914, was very unwise, if he is right now, and can only be a source of embarrassment.

These propositions regarding independence, in my judgment, Mr. President, would not be presented now except for the partisan declarations that have been made in political platforms heretofore framed in political conventions to meet what were thought to be existing partisan conditions, and largely through the influence of that gentleman who is now apparently considerably discredited within the ranks of his own party. They are here not in response to a sentiment from the Philippines, but because of these political platform promises. Let us not make the same mistake concerning the Philippines that the President made regarding preparedness. Let us not embarrass future legislative bodies or executive officers by unnecessary legislative compacts or unwise declarations regarding future action. I shall vote against the whole measure if the preamble is kept in or if any promise with reference to future independence is included in the bill.

I shall vote against any amendment looking to the neutralization of the islands through agreements with foreign countries. At first I was favorably impressed with this suggestion, but reflection has convinced me that it is fraught with the greatest of danger to us. This is a most inopportune time to attempt such negotiations. To suggest such treaties is to show our suspicion and distrust, and might, with some reason, be taken by certain countries as a national affront, and especially by the nation against which we are unwisely almost daily voicing our fear and suspicion.

Even if other nations were willing to enter into such a treaty, it would only mean trouble and danger for us to become a party to it. We want no entangling alliances about the Philippines. We should keep control of them until we are satisfied they are ready for independence, and then, if we want to withdraw our sovereignty, we should do so without any strings attached to our action. The only wise course for us to pursue is to continue the good work that we have been doing in the discharge of an unsought duty and maintain our sovereignty there until we believe it is for their best interests and ours that they be freed from our sovereignty, and then give them that freedom. Let them then take their place among the free and independent sovereignties of the world and work out their own destiny in their own way and without any obligations whatever upon our

part to protect or defend them. I can not conceive of any relation more unwise or more dangerous for us than the maintenance of a protectorate over the Philippine Islands. It would impose upon us the burdens and dangers of sovereignty without the power or opportunity of avoiding or preparing to meet them.

We have done a marvelous work in the Philippines. No nation in the world's history can point to a similar achievement. We freed them from the bondage of Spain. We took their multitude of tribes, some savage and some semisavage, speaking many different dialects, and are making of them a homogeneous people. Savagery is being eradicated, order is maintained, the principles of free government are being applied, and self-government established. Splendid roads have been constructed, a splendid public-school system established, sanitary measures perfected, agricultural development encouraged, and everything is being done to give these people self-government, and not only fit them for self-government but for independence. Let us not endanger this good work by prophetic declarations that can only hamper and embarrass future patriotic Congresses and lead to dissension, disorder, and insurrection in the islands and dangerous complications with other nations.

Mr. President, I find on my desk this morning an amendment offered by the Senator from Iowa [Mr. CUMMINS]. A hasty reading of it leads me to look upon it as the best proposition that has been submitted thus far, if this Congress proposes to take any action at all with reference to the independence of the Philippine Islands. That amendment does provide for a certain and definite course.

If Congress is satisfied that the Philippines are ready for independence and that they want independence, then, I would say, let us give it to them and establish them as a separate government and withdraw entirely from the islands. My position is that we ought to stay there as long as it is necessary for us to stay there, in our interest and theirs, and in the discharge of the duty which I think rests upon us, and then, when we get out, get out entirely, leaving them to take their place among the nations of the earth to work out their own destiny as best they can. I do not think that time has come. They are not ready or fitted for independence. Our duty is not fully discharged.

Mr. SUTHERLAND. Mr. President, as I understand, the pending question is upon the amendment offered by the Senator from Arkansas [Mr. CLARKE]. Am I correct about that?

Mr. CLARKE of Arkansas. Mr. President, let us clear up that matter. I understand that several substitutes or amendments to the amendment which I proposed have been offered; among others, one by the Senator from Iowa. Of course I have no preference as to the order in which the several propositions shall be considered. I do not know which one is before the Senate.

The VICE PRESIDENT. The Chair is informed by the Secretary that they have been printed and are on the table, but have not been formally offered.

Mr. CLARKE of Arkansas. I take it for granted that the last amendment I offered is formally before the Senate.

The VICE PRESIDENT. The substituted amendment of the Senator from Arkansas is formally before the Senate, the Senator from Nebraska [Mr. NORRIS] having withdrawn the amendment submitted by him.

Mr. CLARKE of Arkansas. Let me inquire if it is a fact that the Senator from Iowa [Mr. CUMMINS] has offered a substitute?

The VICE PRESIDENT. He has not offered it. The Senator from Iowa has had it printed, but has not offered it.

Mr. SUTHERLAND. Then I am correct in saying that the pending question is on the amendment of the Senator from Arkansas?

Mr. CLARKE of Arkansas. The Chair so informs me.

The VICE PRESIDENT. The pending question is the substituted amendment of the Senator from Arkansas.

Mr. SUTHERLAND. Mr. President, I desire to say a word or two with reference to the amendment, and incidentally with reference to some other matters that are under discussion in connection with the Philippine bill.

I am one of those who have always believed that from the point of view of the United States it is unfortunate that we have the responsibility for the Philippine Islands upon our hands. But a nation, like an individual, sometimes has a responsibility which is unfortunate, which constitutes a great burden, but of which the nation, like the individual, can not decently rid itself.

Mr. President, we engaged in war with Spain upon the theory that she was unfit to govern in Cuba. As a necessary part of the prosecution of that war our fleet under Commodore, now

Admiral, Dewey went to Manila, and there sank and destroyed the Spanish fleet. The destruction of the Spanish fleet, and the subsequent taking over of the city of Manila, practically put an end to the Spanish government there. It put an end to the only responsible government in the Philippine Islands. There were Americans there—few in number at that time, it is true. There were citizens of the various countries of Europe who had settled in the Philippine Islands and engaged in business; and in addition to our responsibility with reference to the natives of the islands we had certain very clear duties to perform with reference to these foreign citizens.

That being so, it became obligatory upon us to set up a government in the Philippine Islands, which we did. I have said that I think it was unfortunate that we were obliged to do that; but if we will look at the situation for a moment we must all admit that it was an absolute necessity.

What were the courses open to the United States at that time? First, we could have turned the islands back to Spain when we concluded the treaty of peace with that Government. Second, we could have turned the islands over to some other country than Spain. Third, we could have permitted the people of the islands to set up an independent government of their own, and ourselves have withdrawn. And, fourth, we could retain possession and set up a responsible government of our own.

It is perfectly apparent that the first course was entirely unthinkable. We had engaged in a war with Spain upon the theory that she was unfit to govern in Cuba. Surely, if she was unfit to govern in Cuba she was unfit to govern in the Philippines. So that that alternative was at once dismissed as entirely out of the question.

Second, we could have turned the islands, as I have said, over to some other country. I have no doubt that at that time England would have been glad to take them; Japan would have been glad to take them; almost any other country would have been glad to take them over. But for us to have taken that course would have been to invite friction and trouble and quarrels among those countries.

Third, we could have turned the islands over to the people themselves, but everybody who was familiar with the situation agreed that the people of the Philippine Islands were utterly incapable of carrying on a government of their own. So we accepted the fourth alternative, not as being a thing that it was pleasing for us to do but as being, under the circumstances, the only thing that we could do.

We have been in possession of the Philippine Islands for 17 years. On the whole, I think that no nation, no people in the history of the world has ever performed for a dependent people a greater service, a more altruistic service, than the people of the United States have performed for the people of the Philippine Islands. I think, on the whole, we have been there for their good. They are in far better condition to-day than they ever have been before, and in far better condition, I confidently believe, than they possibly could have been under any other disposition of the islands.

I am not going to recount the story. We have built school-houses, we have been educating the children, we have built good roads, we have extended to the people of the Philippine Islands just as rapidly as it was possible and safe to do so the principles and the opportunities of self-government; and the question now arises, What is the wise thing to do for the future?

And, Mr. President, it is not only a question as to what is the wise thing to do, but it is a question as to what is the righteous thing to do under all the circumstances. A nation, like an individual, may be obliged to carry a burden for the sake of righteousness. Responsibilities comes to nations as they come to individuals. Every individual who is strong and self-reliant is obliged to take upon himself burdens which he would be glad to get rid of if he could do so consistently with the performance of duty; and so we must consider that phase of the subject in dealing with the Philippine Islands.

If we turn them over to the people themselves, we can not escape moral responsibility for our act any more than the Levite could escape by passing by on the other side. We are there, and if we withdraw from those people the strength of this Government, the upholding hand of this Government, and disaster follows, we are morally responsible for it.

I do not know when the Philippine Islands will be ready for self-government; but I feel quite sure that they never will be ready for independence until they are ready for self-government. Independence without the ability to carry on an orderly government would be a mockery.

What has been the situation? What is the situation to-day? There are three races of people settled in these islands, speak-

ing different languages and dialects. I do not know how many there are. I do not know that anybody knows how many different languages are spoken in the islands. The people range from a degree of barbarism and savagery up to a very high degree of civilization. Among the Tagalogs, of course, there are men of intelligence, who are capable of carrying on the affairs of a government; but they have to deal with all these other people, millions of people who are utterly incapable of discharging the duties of citizenship.

If, under these circumstances, we withdraw from the islands and allow the people to set up an independent government of their own, it seems to me perfectly obvious that it will be only a matter of a year or two, perhaps a month or two, until they will be at each other's throats. They are not only of different races and of different languages but they are of different religions. There are the people in the south part of the archipelago who are Mohammedans, and the people in the northern part who call themselves Christians. For centuries those people have been in strife with one another. The people of the south have been fitting out expeditions and going up into the north and making war. To me it is perfectly evident that the moment the authority and power of the United States is withdrawn that condition will reassert itself; and the final result will be, without multiplying words about it, that a condition of anarchy will prevail throughout the islands. The situation will be that the Philippine government will constitute an international nuisance that some strong nation or some strong nations will feel obliged to suppress; and the final result will be that some strong nation will take possession of the islands, and the last lot of the Filipinos will be far worse than their first.

This preamble that has been incorporated in the proposed law recites that—

Whereas it is desirable to place in the hands of the people of the Philippines such an increasing control of their domestic affairs as can be given them without in the meantime impairing the sovereignty of the United States, in order that, by the use and exercise of popular franchise and governmental powers, they may be better prepared to fully assume the responsibilities and enjoy all the privileges of complete independence—

Then follows—

which it is the purpose of the United States to grant.

What is meant by "the United States"? Does it mean the people of the United States? If so, the statement is not true. The people of the United States never have signified their purpose or desire to grant independence to the Philippine Islands. On the contrary, whenever they have spoken—and they have spoken upon three or four separate and distinct occasions—they have declared exactly the contrary. Our friends on the other side of the Chamber declared in favor of Philippine independence in 1900, and we joined issue with them and went before the people of the country upon that issue. Mr. Bryan called it the paramount issue of the campaign, and it was so regarded by a great many people who participated in the campaign. At any rate, whether it was the paramount issue or not, it was one of the leading issues of the campaign; and the people of the United States intelligently passed upon it, and if their votes meant anything they meant that they repudiated the Democratic suggestion that we should withdraw from the Philippine Islands.

The same followed in 1904 and 1908. In 1912 a majority of the people did not speak in support of the Democratic platform, or any part of it. A minority of them—a trifle over 40 per cent—voted to put the Democratic Party into power, and therefore may be said to have approved the Democratic platform. Whenever the people of the country have spoken through a majority in favor of one party or the other they always have repudiated this idea of withdrawing from the Philippine Islands. So it is inaccurate to say that it is the purpose of the United States to do this thing, if we mean, by "the United States," the people of the United States.

But the preamble proceeds—

which it is the purpose of the United States to grant when, in the judgment of the United States, it will be to the permanent interest of the people of the Philippine Islands.

What do we mean by that? In the first place, who is to judge of that condition? I suppose that in that connection the words "the United States" mean the Congress of the United States, because that is the only agency of the United States which has the power to speak. It seems to me that such a declaration as that is absolutely certain to invite trouble. I can not conceive of a more mischievous declaration, because, as we all know, in a very short time the people of the islands who desire independence will be declaring that it is for the permanent interest of the people to have independence, and, if Congress is not prepared to agree with them, that means disappoint-

ment, ill feeling, and, very likely, insurrection. It means trouble, in any event, and serious trouble.

The declaration is objectionable from another point of view. It is a maxim of law and it is a rule of common sense that the expression of one thing is the exclusion of all other things. We assert here that it is our purpose to grant independence when it will be to the permanent interest of the people of the Philippine Islands. That is equivalent to saying that it is not our purpose to grant independence under any other circumstances or conditions. No matter what may transpire hereafter, no matter how extreme the necessity of getting rid of the islands from the point of view of the United States alone may be, if we are to keep our pledge, we have tied our hands against parting with the Philippines except upon the single condition which is expressed.

So, Mr. President, if the opportunity presents itself, I shall vote to strike out from the bill the preamble as being mischievous and dangerous.

Mr. LIPPITT. Will the Senator from Utah permit me?

Mr. SUTHERLAND. Certainly.

Mr. LIPPITT. I am very glad indeed to have the Senator from Utah call attention to that feature of the preamble which seems to deprive the United States from having the power to grant independence to those islands on any other ground except the fact that it may be for the permanent interest of the Philippine Islands. I am not a lawyer myself, and I am very glad indeed to have the Senator from Utah, who is a very eminent lawyer, give his approval to that interpretation of it, because it does seem a very vital thing, in connection with this whole subject, that the United States is depriving itself of acting for its own advantage if it should be necessary at any subsequent time. I only want to express my approval of that view.

Mr. SUTHERLAND. Of course, pledges of that kind can be disregarded hereafter; but I have no doubt in my own mind that that is the proper interpretation of it. So if we can conceive of a case arising hereafter where the people of the Philippine Islands will conclude that it is not to their advantage to separate from the United States, we are bound to remain there if we keep this pledge, no matter how onerous or burdensome it may become for us to do so.

Mr. LIPPITT. I should like to suggest to the Senator that it is not at all impossible that, as the years go by and the interests of the two countries become more closely united, instead of there being a party in the Philippine Islands crying for independence, there will be one there urging us not to abandon them, and they would then have the right to come back upon this preamble and say in substance that we had promised that we would not do it until it was for the benefit of the Philippine Islands.

Mr. SUTHERLAND. If the people of the Philippine Islands consider the question intelligently and dispassionately, they are bound to come to the conclusion that it is far better for them to remain under the control of the United States Government than it is for them to undertake to carry on a government of their own. I do not know how long it will take to educate the people of the Philippine Islands to the point where independence can safely be intrusted to them. I do not go quite as far as the Senator from Idaho [Mr. BORAH] did the other day. I do not believe it is a matter of a century; I doubt whether it is a matter of 50 years; but I think it is a matter of at least another generation. Until the new generation has grown up, until they have been educated in the schools which we have established, until the English language has become the predominant language in the islands, I do not believe it is safe to intrust independence to those people.

Some things have been said here with reference to imposing upon those people the English language. To my mind, the greatest blessing that we could confer upon them is to educate them in the English language. It is the language of Anglo-Saxon liberty, the language in which the highest ideals of government have been written, and no people can study and understand that language without understanding to some extent the literature of the language and making a part of themselves those high ideals of government which my reading of history teaches me are the greatest and best that the world has ever seen.

Only 10 per cent of those people to-day are capable, or even measurably capable, of carrying on the operations of self-government. As was said here the other day in the discussion of the Senator from Idaho, if we could imagine a situation where 10 per cent of the people of those islands were educated Americans, even they would be incapable of carrying on a free government with 90 per cent of the people illiterate and many of them barbarians. If it would be impossible for a population of which

10 per cent were Americans to carry on the government, how much more clear is the impossibility of a population consisting of only 10 per cent of educated and capable literate Filipinos doing the same thing?

The thing that keeps the people of those islands together, the thing that makes orderly government possible, and the only thing that does it, is the strong arm of the United States, and I think it is a wicked thing to suggest at this time the idea of withdrawing our strength from those people and leaving them to their own helplessness.

Mr. President, the Senator from Arkansas [Mr. CLARKE] has offered an amendment which, with all due deference to him, I think is a little worse than this preamble. The Senator from Arkansas proposes to authorize and direct the President to withdraw our sovereignty from the islands in not less than two years nor more than four years. If he would stop there, simply making a hard and fast rule that we should get out of the islands and leave them alone, while I should not be in favor of it, I should regard it as preferable to the provisions of this preamble, but he goes further and inserts a proviso which reads:

That if the President, at the expiration of the said period of four years, shall find that the condition of the internal or external affairs of said Philippines in respect to the stability or efficiency of the proposed government thereof is such as to warrant him in so doing, he is hereby further authorized, by proclamation duly made and published, to extend the said time to and including the date of the final adjournment of the session of Congress which shall convene next after the date of the expiration of the said period of four years.

So we do not cut ourselves loose from the Philippine Islands. We authorize the President within two or four years, if he thinks it is the wise thing to do, to withdraw, but it is left entirely in his hands, so far as that part of it is concerned. If at the expiration of four years he concludes—and if he investigates the situation over there in the meantime as thoroughly as he ought to investigate it, in my judgment, he must conclude—that the condition of the internal and the external affairs of the Philippines in respect to the stability or efficiency of the proposed government is not such as to justify immediate independence—if he concludes that, as I say I think he must conclude, then we have simply made an offer of independence to those people with a string to it, which we have pulled back at the end of that time, and the result will be a mischievous situation, quite as bad, and perhaps worse, than that which is invited by the language of the preamble.

In the meantime the Republican Party will come into power again. We know what the view of that party has been. We know what is likely to be the view of the nominee of that party, who will be elected by the people. Suppose he concludes that the situation is such as to demand action under this proviso. Then we shall have invited revolution, insurrection, and bloodshed.

The wise thing to do is to leave them alone, to go on as we have been doing, to keep adding to the schools in the country, to proceed with our education of the people, to keep teaching them the lessons of good government, to extend further and further the principles and opportunities of Anglo-Saxon self-government, to say nothing about independence, but to wait until in God's good time, 30 years hence, 40 years hence, 50 years hence, whenever it may be, that everybody will recognize the fitness of the people for self-government and independence, and then, and not till then, withdraw and let them set up a government of their own, but in the meantime leave the subject of independence alone.

Mr. President, to my mind that is not the most mischievous part of this proposed amendment. It provides further that—

Immediately upon the passage of the act the President shall invite the cooperation of the principal nations interested in the affairs of that part of the world in which the Philippines are located, in the form of a treaty or other character of binding agreement, whereby the cooperating nations shall mutually pledge themselves to recognize and respect the sovereignty and independence of the said Philippines—

And further—

and also to mutually obligate themselves, equally and not one primarily nor to any greater extent than another, to maintain as against external force the sovereignty of said Philippines.

In other words, we are to invite the other nations of the world, or such of them as may join with us to maintain a protectorate over those islands, to maintain them as against external force from any other country or people. If that can not be done, then the amendment further provides that the United States is to undertake that burden alone.

Now, what does that mean? It means that we are to withdraw from the islands. It means that we are to have no Army there, of course. It means that we are to leave them to their own devices, to carry on their own affairs in their own way, and then if trouble results between them and Japan or between them and Germany or any other country, no matter what the cause of the trouble may be, we must take upon ourselves the

burden of defending a country thousands of miles away from our shores against any force that may be exerted by any other country.

In other words, it proposes to extend the Monroe doctrine into Asia. Some of us are looking ahead with more or less apprehension to being obliged some day to defend the Monroe doctrine upon this hemisphere. I believe in maintaining that doctrine upon this hemisphere at all hazards, but I do not believe it is wise to extend it into the Orient and to pledge ourselves to do with reference to the Philippine Islands what I think we would be bound to do with reference to one of the countries in Central or South America. Yet that is the situation in which this proposed amendment will leave us.

Mr. CUMMINS. Mr. President—

Mr. SUTHERLAND. I yield to the Senator.

Mr. CUMMINS. Does not the Senator think that we are invading the Monroe doctrine in the Orient now in the possession of the Philippines?

Mr. SUTHERLAND. No, Mr. President, I do not. We are there in our own right. It is the Government of the United States which is in the Philippine Islands. We are in the Philippine Islands, not by quite as strong a tie but by as clear a right and as great a power as we are in Hawaii.

Mr. CUMMINS. Precisely.

Mr. SUTHERLAND. As we are in Guam and as we are in Porto Rico.

Mr. GALLINGER. Or Alaska.

Mr. CUMMINS. Suppose Japan would take possession of Mexico and say, "We are there by virtue of our power." I assume the Senator from Utah would think that the Monroe doctrine had been somewhat infringed upon.

Mr. SUTHERLAND. Undoubtedly.

Mr. CUMMINS. Why can not Japan say the same thing to us about the Philippines?

Mr. SUTHERLAND. The difference is quite obvious. We would invoke the Monroe doctrine while Japan was undertaking to do that. We would not invoke it after Japan has established herself and set up a government there. We do not invoke the Monroe doctrine against the English Government in Canada, because they are there; but if the English Government should undertake to invade one of the independent Republics in Central or South America, then there would arise an occasion for invoking the Monroe doctrine. But, as I have said, we are in the Philippines by the same title and the same power that we are in Guam or Porto Rico. It is not a question of maintaining the Monroe doctrine; it is a question of maintaining our sovereignty in the Philippines.

Mr. CUMMINS. I agree that we are there with the same power.

Mr. SUTHERLAND. Precisely the same power.

Mr. CUMMINS. The power of conquest. The territory that the United States has, with the exception of Hawaii and Alaska, is the result of conquest.

Mr. SUTHERLAND. Undoubtedly. It was the result of war in many cases followed by a treaty which the other people to the treaty were more or less coerced into making.

Mr. WARREN. The Senator speaks of war and conquest. What about the Louisiana Purchase and others of that character?

Mr. CUMMINS. We have the Louisiana territory by the technical title of France. France had no more title to the Louisiana territory than she had to the golden streets of the New Jerusalem, and we had to conquer the territory in order to hold it.

Mr. WARREN. The assertion was made that all our possessions were acquired by us by conquest.

Mr. SUTHERLAND. The Senator from Wyoming is undoubtedly correct. I was speaking of other possessions of the United States. We have acquired territory by purchase. We acquired Alaska, of course, by very peaceful methods.

Mr. GALLINGER. And the Gadsden Purchase.

Mr. SUTHERLAND. And the Gadsden Purchase. That is quite true; but we are in the Philippines in our own right, and what we are maintaining is not the Monroe doctrine, but our own sovereignty. But if we withdraw from the Philippines and permit them to set up an independent government, then if we undertake to defend them against force from an outside power we are not doing it by virtue of our sovereignty, but we are doing it by virtue of having extended a protectorate over them, and by virtue of having extended something in the nature of the Monroe doctrine into Asia.

Mr. President, I think that is a very dangerous burden for us to take upon ourselves; I think it is a very unnecessary burden. Suppose that a condition should arise in the Philippine Islands such as I indicated a moment ago, that there should be domestic

disturbances resulting in revolution. Whatever others may think about it, in my judgment that will be the result. If Mexico can not carry on a government of its own, if revolution is the normal condition of affairs there, surely a people who are, if anything, less capable of self-government, must bring themselves to the same unhappy pass. There is bound to be revolution; there is bound to be bloody revolution in the Philippine Islands whenever we withdraw our power and our protecting arm from them; it is inevitable, as I view the situation. Suppose that condition arises and Japan, a near neighbor, says, "We can not tolerate that condition; we can not permit the Philippine Islands to make an international nuisance of themselves, to be disturbing the international peace, and we will put an end to it." No matter how strong the excuse might be for the intervention of Japan or of any other country, we shall have bound ourselves by this solemn agreement to engage in a bloody and costly war. It is the same condition that might exist if some European country had agreed to maintain Mexico against the intervention of any other country. In such an event, no matter how much violence multiplied in Mexico, we would be powerless to intervene, except at the cost of a war with the power that had guaranteed to protect them. Do we want to put ourselves in that position in the Philippine Islands?

Mr. SIMMONS. Mr. President—

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SUTHERLAND. Certainly.

Mr. SIMMONS. I understand the Senator from Utah is now addressing himself to the criticism of the proposition that this Government shall guarantee the independence of the Philippine Islands for five years after we have retired from the islands.

Mr. SUTHERLAND. That means nine years from the date of the passage of this bill, if it passes.

Mr. SIMMONS. No; I understand the amendment as now drafted provides for four years.

Mr. SUTHERLAND. Well, add five years to it, and that makes nine years.

Mr. SIMMONS. No; you add two years to it under the provision that the President may extend the time until the end of the following Congress, which might be six years.

Mr. SUTHERLAND. If the Senator will pardon me just a moment, the amendment provides that "guaranty" shall be given "on behalf of the United States alone for the period of five years from and after the expiration of said period of four years, or any extension thereof."

Mr. SIMMONS. Yes; it means a guaranty of five years after we have retired from the islands.

Mr. SUTHERLAND. Then I am correct in saying it is nine years.

Mr. SIMMONS. Yes; it is nine years, including the time before we retire and the time we guarantee the independence of the islands.

Mr. President, I understand the party to which the Senator from Utah belongs, while they do not believe in the immediate surrender of our control of the Philippines, have at all times held out to the Filipino people the hope and expectation that when, in the judgment of this Government, they were prepared for self-government this Government would withdraw from the islands. I take it that the Senator believes that policy should be pursued.

Mr. SUTHERLAND. That is my own judgment about it.

Mr. SIMMONS. That is the Senator's own judgment. Now, if the Senator's party should come into the control of the Government hereafter—and I hope that time may be long in the future—and should decide that the time had arrived to set the Filipino people free, would the Senator from Utah insist that this Government had no obligation to extend to them some protection for any period of time whatever?

Mr. SUTHERLAND. The Senator from Utah insists absolutely upon that.

Mr. SIMMONS. Let me ask the Senator, before he answers that—

Mr. SUTHERLAND. Let me finish my reply to the Senator. So long as we are there, we are under the gravest responsibility to protect those people against outside force; to give them a good government; to give them the very best government of which we are capable; but when they are ready for independence and we are ready to get out, then my position is that we have no further obligation; we shall recognize them as a sovereign nation, equal in the eyes of international law to the greatest nation in the world, and we shall not owe them the duty of protecting them after having recognized a status of that character.

Mr. SIMMONS. Then, let me suggest to the Senator from Utah, would it not lead to this situation: During this period of preparation for self-government the Philippine Islands would be under the control and dominion of the United States; the Filipinos would have no powers or functions of government that we did not see fit to accord to them; it would be our Government; it would be our control. When they are turned loose and our control ceases, would they not find themselves without an army, without a navy, without a regularly established government of their own; and during the period when they were organizing and getting ready for defense in case of invasion, would we not leave them, carrying out the policies of the Senator's own party, in a very pitiable and helpless condition? Does not the Senator from Utah think that ordinary generosity, ordinary fair treatment, and justice to those people, would appeal to us to stand sponsor for their independence; to stand between them and external invasion until at least they could prepare themselves measurably for defending their own rights and their own territory?

Mr. SUTHERLAND. Mr. President, my position is that the Philippine Islands—

Mr. SIMMONS. If the Senator please, if we should withdraw to-day from the Philippine Islands, would we not leave them absolutely helpless, absolutely unable to defend themselves, because they have had no control, they have had no opportunity to organize for defense, either by way of providing a navy or providing an army? They have neither, and they can not have either, until we have withdrawn and given them an opportunity to provide them.

Mr. SUTHERLAND. Mr. President, what I have been insisting on all the time is that we ought not to withdraw from the Philippine Islands until the Filipinos are capable; that we ought not to take that step.

Mr. SIMMONS. They might be capable of self-government, if the Senator will pardon me; you may hold them until they are capable, if they ever can qualify themselves, and then turn them loose, and with all their capacity they would still be helpless, because until the moment of our surrender of American control they would have had no opportunity to provide for their protection.

Mr. SUTHERLAND. Mr. President, the capacity for self-government is not the only thing that is required. I would not leave them until they were not only able to govern themselves from the standpoint of intelligence and ability, but not until by having set up under our guidance their self-governing institutions and prepared for their own defense they were able to care for themselves. I would not leave them until they were in that situation. But my point is that whenever the time comes that we are ready to withdraw upon the theory that they are to be recognized as an independent and sovereign nation, the time has come to get rid of all our responsibility, and we should be responsible after that time for the Philippine Islands in no greater or different sense than we are responsible for China or any other country with which we have never heretofore had the relations that we have had with the Philippine Islands.

Mr. WARREN. Mr. President, will the Senator permit me to interrupt him?

The VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Wyoming?

Mr. SUTHERLAND. Certainly.

Mr. WARREN. The Senator from Utah probably knows, and I think the Senator from North Carolina knows but has overlooked the fact, that we are preparing them now. We have in the Philippines an army of scouts who are being educated for war, and they amount now to many thousands, including those now in the service and those who have been discharged from time to time from the service after having received the military education and training afforded. There is also a competent and powerful constabulary force in the islands; and in addition we are fortifying the islands. We are fortifying them very thoroughly and heavily; we are putting in the same kind of defenses—in fact, I might say superior defenses to those we are installing in our own or mother country. I might also say that we have gone so far amongst the communities of the south which have been referred to, the Moros for instance, as to form companies, and almost regiments, of native scouts, which are to-day defending the southern part of the archipelago. The island of Mindanao has no white troops now, but is defended by native troops.

Mr. SUTHERLAND. I so understand the situation.

Mr. SIMMONS. If the Senator from Utah will pardon me, I should like to inquire of the Senator from Wyoming if the

constabulary and scouts are not merely a police force? We are not organizing the Filipinos into an army for the purpose of defense against external invasion.

Mr. WARREN. As to the constabulary, yes; as to the scouts, no. The scouts are an army. I wish to say, if the Senator from Utah will permit me—

Mr. SIMMONS. But, if the Senator will pardon me, before he turns his attention to the Senator from Utah, as he in part addressed his remarks to me, are we providing them with any navy?

Mr. WARREN. Not so far.

Mr. SIMMONS. Is not a navy the chief reliance the island people would require in case of invasion? Are they not situated very much like the British Isles are situated? Their defense is dependent entirely upon the size and strength of their navy, and they have recognized that fact in their traditional policy. Are not the people in the Philippine Islands in the same situation and would it do any good to turn the islands over to them, so far as their protection is concerned, even if they did have a small army, if they had no navy?

Mr. WARREN. A navy is largely an attacking force. We are already providing in the Philippines, as I have said, harbor defenses of a character that can be no more than equaled in any other country; certainly they are not surpassed. We have not built them a navy; in fact, we have not built our own beyond a defensive strength and hardly up to that. The Philippines must depend always, as we do, largely upon fortifications.

If the Senator from Utah will allow me, I should like to say a few words now, because I have to leave the Chamber soon in connection with duties as a member of a subcommittee engaged in important work. I intended to cover some of the ground which the Senator from Utah is so well covering. I suggest we had better think and plan a little further whether we have the Army and the Navy to make good our guaranty, if made as proposed in the Clarke amendment. Now, according to that, we propose to withdraw the Army and Navy from the Philippine Islands and then to be held in suspense for a certain number of years to respond when called upon to make our guaranty good. We are now there with a very considerable Army and some portion of the Navy. We are bound to have an Army and a Navy. The difference in expense is in supporting it there and here. It is a matter of nominal additional expense to support the force that we now have there during the time that the islands are in our charge, but when we leave the Philippines, leave them alone and independent, and then are called upon to make good the guaranty, what kind of a figure will we cut with Japan or some distant foreign country that may propose to annex the Philippines or to overrun them?

That is a matter to be thought of. Our Army now is confessedly too small, but no matter how large we may make it, no matter how far we may go along the path of preparedness, we do not expect to have an army of occupation in a country seven thousand or more miles away, as it would be essential to have if we undertook to requite the wrongs of that nation if attacked by another country.

Mr. SUTHERLAND. The Senator is quite right in his observations, and I entirely agree with him.

Mr. POINDEXTER. Mr. President—

Mr. SUTHERLAND. I yield to the Senator from Washington.

Mr. POINDEXTER. I want to remark, in reply to what the Senator from North Carolina [Mr. SIMMONS] has said, that, as I understand the proposition of the Senator from North Carolina, we would be under some moral obligation to the Filipino people to protect them internationally until they had organized and established an army and a navy sufficient for their own protection, or at least to give them a reasonable time to do so; and he suggested that would be five years, or that the five-year period mentioned in this bill would enable them to do that. I think, if the Senator from North Carolina will reflect for a moment upon the actual conditions, that he will not entertain any such idea. It is perfectly obvious, it seems to me, that the Filipino people never will be able in any length of time to establish an army or a navy that could make any respectable showing whatever in any international conflict that they might have with any of the great military powers which we have in view as parties to the agreement that is proposed here. Against Japan or Germany or Great Britain the Filipino people would never be able to protect themselves.

Mr. SIMMONS. Mr. President, I do not think the Senator—

Mr. SUTHERLAND. I hope the Senator from North Carolina will be brief, because I wish to conclude.

Mr. SIMMONS. I will be brief. I do not think the Senator from Washington could have possibly understood me to mean in

anything I have said that I thought the Filipino people would be able in many, many years after they are set free to provide an army and a navy sufficient to protect them against such a power as Great Britain or Germany or Japan. The thought I had in mind, and what I intended to suggest, was that the Filipino people before we went into the islands had been for a long period of time under the control of Spain. Since we have been there they have been under our control, and they will remain under our control until we leave there. When we do leave there they will have no government of their own; they will have to organize and establish one; they will have no army; they will have no navy; and it does seem to me that it would be rather a hard measure for us to take those people, who have never had an opportunity to establish a government or provide for defense, and after having held them suddenly to turn them loose so as to be the prey of the nations without any capacity or opportunity to prepare for their own defense. That was the only thought that I desired to emphasize.

Mr. SUTHERLAND. Mr. President, the Senator from North Carolina has demonstrated conclusively what a wicked thing it is to adopt this provision and to undertake to put the people of the Philippine Islands upon their own responsibility. He pictures them as a helpless people, incapable of defending themselves against other nations, which is all quite true. The people of the Philippine Islands ought not to be permitted to set up an independent government of their own and take their place in the family of nations until they have reached the point where we do not need to extend a protectorate over them. The very fact that you admit that we have got to defend them, look after them, and keep them in leading strings after they have obtained independence demonstrates that those people are not fit for independence now and will not be fit for independence in four years.

Mr. President, suppose the people of the Philippine Islands get into a quarrel with Japan, are we to go over there and engage side by side with them in a war on that country, no matter what the circumstances may be, whether Japan be right or wrong? Suppose that the conditions of the Philippine Islands, with respect to the treatment of the citizens of Japan, in six or seven years from now shall be as deplorable as the conditions in Mexico are with reference to our citizens, and Japan, as a great civilized power, believes that her national honor demands that she shall intervene for the protection of her own people and for the sake of civilization, the Senator from North Carolina would still have us intervene, go 7,000 miles across the sea with our Army and our Navy, and sacrifice the lives of our citizens in a cause, however bad it might turn out to be. I am not in favor of such a course.

Mr. President, just a word or two more and I am through. A good deal has been said from time to time about the Philippines being a source of weakness to us. I think in a sense that is true; but I think the danger to be apprehended has been greatly exaggerated. I do not think, for example, there is 1 chance in 100, so long as we maintain our place in the Philippine Islands, of Japan undertaking to take the Philippines from us.

In the first place, the Japanese expansion does not lie in that direction. I am informed, and I think credibly informed, that they have no idea of colonizing their people in that direction at all. In addition to that, I suspect that any attempt upon the part of Japan to invade the Philippine Islands would be very vigorously objected to by Great Britain, because to-day the feeling in Australia against Japanese settlement is quite as intense as it is upon the Pacific coast. The Australian people do not want Japanese immigration any more than the people of the Pacific coast desire it. With that feeling upon the part of that great English colony, I should imagine that it would be the desire of Great Britain to keep the Philippine Islands in the condition they now are, where, to some degree, they constitute a buffer between Japan and the English possessions.

So I do not think we are running any great risk in the future, any more than we have run in the past, by retaining the Philippines. That they never will become a source of great profit to us, I am quite willing to agree. That they will always be a burden upon us, I think is a good deal more than likely. Nevertheless, I believe it to be the duty of this great country, having once set its hand to the plow, to hold it there until the furrow has been plowed to the end.

Mr. SHAFROTH. Mr. President—

Mr. SUTHERLAND. I yield to the Senator from Colorado.

Mr. SHAFROTH. I quite agree with the Senator with relation to the feeling of Japan in regard to the Philippine Islands at the present time; but I believe that that feeling toward the United States has become friendly by reason of the fact that

it has been repeatedly affirmed that our intention was not to hold the Philippine Islands permanently. Japan has a policy toward the Orient just exactly as we have toward the Western Hemisphere. Any aggression upon the part of any Government in the Orient is repugnant to her, as much so as the acquisition of any territory on this hemisphere is to the United States.

I have not any doubt that 15 or 16 years ago, when we first acquired the Philippine Islands, Japan thought it was an act of aggression on our part; but since that time, having been assured by the repeated declarations of Governors General of the islands that it was not our intention to hold them permanently, I believe their conduct has been in the direction of friendship toward us.

Mr. SUTHERLAND. Mr. President, I quite understand that feeling on the part of Japan, and am able to sympathize with it. I can quite understand the feeling of resentment that a great power like Japan would have if they should regard our operations in the Philippines as an intrusion into the affairs of the Orient, just as we would regard a similar act on the part of Japan over here as an intrusion upon our domain.

Mr. SHAFROTH. But, Mr. President, I will say to the Senator, that if it were manifest to Japan that we intended to hold the Philippine Islands forever, or for any great period of time, that would indicate that we never intended to give them up, I believe that that hostile feeling would again arise in the minds of the Japanese people.

Mr. SUTHERLAND. Mr. President, I am not in favor of holding the Philippine Islands forever, and I do not think the great majority of the American people are in favor of doing it, but I am in favor of leaving that subject alone, because the discussion of it and a declaration upon the subject is a mischief-making thing. The difference between the attitude of the Senator from Colorado and my attitude about it is that we are both in favor, when the proper time comes, of letting the Philippine Islands go, but the Senator wants to make a declaration about it. When he declares to the people of the Philippine Islands that they will be permitted to set up an independent government when they are ready for it he immediately invites them to say they are ready for it now or ready for it in a year, and that brings on a contest. Let the whole subject alone until the condition has arrived, and act, but make no promises in advance.

Mr. SHAFROTH. The difficulty with the situation, with respect to the Filipinos, is their desire to become independent immediately. If we make an indefinite declaration, or no promise at all, it will make a feeling of unrest right now, because they fear that there is an intention upon the part of the United States to hold them forever, or for an indefinite term; hence we would get more discord, more conflict, more antagonistic feeling, and perhaps insurrection, if we should deny to them a promise of their independence.

Mr. SUTHERLAND. Yes; and the Senator's party is responsible for that condition. If the Senator's party had been self-contained and had not been making these declarations in years past, the people of the Philippine Islands would not have felt as they do feel about it.

Mr. SHAFROTH. Oh, Mr. President, what has been responsible for this feeling is an instrument that was written 139 years ago, which declared that in order to attain the ends of the inalienable rights of man governments are instituted among men, deriving their just powers from the consent of the governed. Every time a Filipino reads that declaration there comes the feeling upon his part that he should have a right to govern himself according to our own standard.

Mr. SUTHERLAND. Oh, Mr. President, I have read that declaration many times and I have heard it thundered in many forums, but, after all, the question of self-government is a good deal more a matter of ability than it is of right. In a certain sense every human being has the right of self-government, but for the sake of those with whom he is obliged to associate it ought not to be accorded to him until he is capable of exercising the powers of self-government.

Why, Mr. President, the Declaration of Independence extended over the Indians in this country; and yet we kept them, hundreds of thousands of them, in subjection for a good many generations, because we thought that while in some remote sense they had a right to self-government, they were not capable of governing themselves. The two things must coexist—the right of self-government and the ability as well.

Mr. VARDAMAN. Mr. President—

The PRESIDING OFFICER (Mr. HUSTING in the chair). Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SUTHERLAND. Just for a question. I want to finish, if the Senator will permit me.

Mr. VARDAMAN. I will not interrupt the Senator, then.

Mr. SUTHERLAND. No; if the Senator wishes to ask a question I shall be glad to yield.

Mr. VARDAMAN. I was just going to suggest to the Senator, in answer to what was said by the Senator from Colorado [Mr. SHAFROTH], that I do not believe the Declaration of Independence had reference to the Indians. I do not think it had reference to any race in America except the Caucasians. The man who wrote that declaration was a slaveholder.

With reference to the Filipinos, however, the Senator will recall the fact that three-quarters of a century ago, or quite half a century before the Spanish fleet was sunk in Manila Bay, before the Americans had anything to do with the islands, there were revolutions in the Philippine Islands, and some of the utterances by their leader indicated a very profound sense of right and accurate idea as to government.

Mr. SUTHERLAND. Will the Senator let me interrupt him right there to ask him a question?

Mr. VARDAMAN. Yes, sir; I will.

Mr. SUTHERLAND. The Senator, I think, had very high regard for the ability of Booker Washington and some others of his race who had reached a high degree of intelligence. Does the Senator think that makes the negro race capable of self-government?

Mr. VARDAMAN. As a matter of fact, you know, it was not the negro race in Booker Washington that gave him the capacity to understand any sort of a government. As John J. Ingalls, of Kansas, said of Fred Douglass, it was the Anglo-Saxon reinforcement that gave him his mentality.

Mr. SUTHERLAND. The Senator does not answer my question. Does he think the negro race are capable of self-government?

Mr. VARDAMAN. From the standpoint of a white man, absolutely I do not. The negro has never anywhere shown sustained power for self-development or self-government. His present civilization in America is due to white domination, and the continuation of his civilization in America will depend upon the white man's control.

Mr. SUTHERLAND. No; notwithstanding the fact that there are among them many men who are very intelligent.

Mr. VARDAMAN. That is true; but I would be very much opposed to the United States going into Haiti, or any other country that belonged to the negro race, and taking their government away from them.

Mr. SUTHERLAND. That is not the question.

Mr. VARDAMAN. If they could participate in the government of the United States without absolutely destroying the civilization of the white man, I should not be so much against it here. But we have tried it, and we find that the negro can live and prosper under the white man's government, whereas under the negro government, or even with the negro sharing it with the white man, the white man can not live.

Mr. SUTHERLAND. But the Senator thinks, because José Rizal was a great patriot and a very intelligent man, who knew something about the affairs of government, and because a small percentage of the other people of the islands were of that character, that the Moros and the savages and the head-hunters are capable of self-government? Or does he want to set up an autocracy over there? Does he want to have a few of the Tagalogs governing the remainder of the people who are themselves incapable of self-government?

Mr. VARDAMAN. I will answer the Senator. I do not think they are capable of self-government as we understand it and practice it in America. Very few races in all the world's history have shown the power or capacity to govern themselves as the Americans and English do; but I do think they are capable of maintaining a government good enough for them. While I admit that the government of the Filipino by the American would not materially injure the Filipino, it would necessarily injure the American. It would injure any free government or republic that exercised that arbitrary, usurped power which we exercise in the Philippine Islands. I am in favor of "safety first." I want to get out more for the good of this Republic than I do for the good of the Filipinos. We are not going to share with the Filipino our Constitution, and we should not; but to withhold the Constitution from the Filipino while we hold him as a subject will surely do violence to our Constitution. I repeat, I am very much more interested in taking care of our own country, Government, and people than playing the rôle of guardian for the outside world.

Mr. SUTHERLAND. Mr. President, no country and no people ever will be injured by discharging a duty in the spirit in which

the American people have discharged their duty to the Filipinos.

I have finished what I desire to say, Mr. President, except that I want to speak just a word with reference to the amendment proposed by the Senator from Iowa [Mr. CUMMINS]. That is a straightforward, understandable proposition. I do not agree with it, because, as I have already said, I am in favor of retaining our place in the Philippines for a good many years yet to come without making any declaration at all upon the subject. But if we are going to get rid of them at all, we ought to get rid of them in the way proposed by the amendment of the Senator from Iowa, which is simply a straightforward declaration that we shall recognize them as an independent nation after we have submitted the question to a vote of their people and they have determined that they want to occupy that status; when that has been done, that we shall withdraw not only our Army and our Navy but all responsibility for their future, and let them take care of themselves. If we are to withdraw, that is the way to do it. But so long as we bear the responsibility of their defense we should maintain our effective control.

Mr. STERLING. Mr. President, I have already spoken at considerable length on the original bill. As an excuse for asking the indulgence of the Senate now I simply wish to say that I feel deeply the importance and the seriousness of the questions involved in these proposed amendments. I hope I do not take the subject too seriously, nor myself too seriously, in this matter. I think of the latter I have never yet been accused. I recall that the Senator from Missouri [Mr. STONE] last evening said that it was a most serious and important question, and that it should have the very careful attention of every Senator here.

I confess, Mr. President, that after the discussion so far, and after hearing certain statements made by Senators on this side of the Chamber, I feel almost like one who is engaged with those who are leading a forlorn hope in opposition to the amendment proposed by the Senator from Arkansas [Mr. CLARKE]. I am convinced, however, that either in the original bill or in this proposed amendment, if enacted into law, we are making a great national mistake.

We sit here, it seems to me, taking counsel day after day, not of our courage, not of our confidence in the rectitude of our intentions toward the Philippines, not, it seems to me sometimes, with the high sense of duty that we ought to feel, but, rather, taking counsel of our fears and of our misgivings and of a somewhat worn-out pledge in a party platform, which had its inception, to begin with, in the necessity for a campaign issue 16 years ago.

And thus influenced we are forgetting many and most important considerations. We are forgetting the success of this Nation in the past in its acquisition and government of insular territory, its unqualified success down to the present time. We are forgetting that.

Furthermore, Mr. President, we are forgetting another thing. We are forgetting, as I believe, the tremendous material, commercial, and trade advantages that are to result by our retention of the Philippines until at least the Filipinos are capable of self-government. We are forgetting that.

Third, Mr. President, we are forgetting what is more important, to my mind, than every other consideration, and that is our responsibility, our moral obligation, toward the 8,000,000 inhabitants of the Philippine Islands.

As I hear this discussion go on and see so many Members of this body ready to cut loose from the Philippines and send them adrift it would seem that we have forgotten altogether that old principle of chivalry, noblesse oblige, nobility compels. We are now, in our anxiety to get rid of the Philippine Islands, forgetting that great principle, and to my mind, Mr. President, it is a principle that should appeal to our sense of duty as a great Nation toward a weak, and I may say on the whole and in the mass an illiterate people, that through the fortunes of war came into our possession and under our control 17 years ago, and in this view it ought to appeal to our Americanism—our patriotism.

Mr. President, I wish briefly to refer to some of the advantages arising out of our possession and retention of the Philippines. It has been urged on this floor that we should get rid of the Philippines, not simply out of consideration for the Filipinos but that we should get rid of them for the good of the American people. I think I can demonstrate otherwise, and that it will not be for the material benefit, at least of the American people, to be rid of these islands.

In the first place, Mr. President, the expense of the Philippine Islands to us has been greatly exaggerated. The chairman of the committee having the bill in charge and other Senators

speaking for the bill have been unable to give definite statistics as to the annual expense of the Philippines to the United States Government; it varies all the way from \$7,000,000 to \$25,000,000 a year. With the administration of the civil government of the Philippines, carried on by and through revenues derived from the Philippines themselves, my judgment is that the lower number—\$7,000,000—comes nearer the truth as to the actual expense of the Philippines to the United States.

Mr. President, there is another consideration with reference to that actual expense, whatever it is. Most of that, of course, is for the maintenance of an army of about 12,000 men in the Philippine Islands, but who can say what portion of that army of 12,000 men, if they were not in the Philippines, would not be in the service of the United States Government somewhere else than in the islands? So it is not fair and you can not consistently and truly charge the expense of the army in the Philippines to the holding and retention of the Philippine Islands.

Again, it has been said here on the floor of this Chamber that there is the expense of the Navy; but who can say and who has said that a single ship has been built for service in Philippine waters or because of our retention of the Philippines? I know, so far as the Army is concerned, there has been no time within the last three years when it would not have been said that we should have here on the continent, in addition to what we have, the number of soldiers now in the Philippine Islands. Had they been here they would have been in the service of the Government and would have formed, without being in the Philippine Islands, a part of the Regular Army of the United States with their thousand or more dollars a year of expense per man to the Government. So it is evident this matter of expense of the Philippine Islands, confined principally to military affairs and to our military establishment there, as it is, has been greatly exaggerated.

Let me speak for a moment of the commercial advantages. Admitting that there might be yet an expense for the maintenance of a military establishment in the Philippines, the participation in the commerce of the Philippine Islands on the part of American citizens, American manufacturers, American exporters will more than compensate the people of the United States for the expense caused by such military establishment. As showing the advantages of the Philippine Islands from a commercial standpoint, I wish to read the editorial heading to an article entitled "Getting into the Philippines," by Patrick Gallagher, editor of the Far Eastern Bureau, found in the Philippine Monthly for September, 1915:

"GETTING INTO THE PHILIPPINES."

[By Patrick Gallagher, editor of the Far Eastern Bureau.]

(Mr. Gallagher, well known to all Manila old-timers as the founder and first editor of the Philippine Free Press, was the guest of the New York Rotary Club at the Hofbrau House on the eve of "Occupation Day." His address, which was reported very fully in most of the newspapers throughout the United States, has evoked much favorable editorial comment. The Boston Transcript said on August 17: "Regarding the Philippines, which we now have possessed during 17 years, the popular mind has been like a child's mind, which peoples the silence and vivifies the night with goblins. 'Wish we were out of the Philippines,' is an expression confined to no one school of partisan political thought, and it is refreshing to find a happy rejoinder coming from the editor of the Far Eastern Bureau, that rejoinder being, 'But we are not yet in the islands.' Americans have found difficulty in projecting their understanding over the leagues of sea, and opinion is swayed by imaginings rather than by a realizing grasp of things as they are. Commercially we have 'barely scratched the foreshore' of the hithermost Philippine land. 'We ought to see,' remarks this critic, 'that our famous open-door policy in the East is useless to us if we fail to utilize that doorstep to the open door, the Philippines.' * * * 'Manila,' he points out, 'should serve as the base mart for serving millions of customers throughout the Orient.' Yet this doorstep of the open door grows mossy and we spend our time worrying lest some one else will want to put foot on it and use it. Militarily the position is about the same. We are neither in nor out of the Philippines, as, for example, we are positively and defensively in Panama."—Editor the Philippine Monthly.)

Yet, Mr. President, notwithstanding the surface has been barely scratched, as this writer says, our trade with the Philippine Islands grew from \$120,000 or a little over in 1898 to \$27,000,000 in 1914, and at that rate the years, I think, will be but few—10, 15, 20 years—until we can count upon our trade as being valued in the hundreds of millions of dollars.

Mr. McCUMBER. Mr. President—

Mr. STERLING. I yield to the Senator.

Mr. McCUMBER. Did the Senator give that as our export trade or the combined trade of the islands both in imports and exports?

Mr. STERLING. It is the export trade.

Mr. McCUMBER. And it has increased how much?

Mr. STERLING. From one hundred and twenty thousand and more dollars in 1898 to \$27,000,000 in 1914.

Mr. McCUMBER. And what amount have the imports from the islands increased?

Mr. STERLING. The imports have been just about the same as the exports.

Mr. McCUMBER. They have increased in the same ratio?

Mr. STERLING. Increasing in about the same ratio, as I remember. If the Senator will excuse me, I think there is a difference of only a million or two dollars, and there has been only about that amount of difference for the last several years between the imports and the exports.

Mr. McCUMBER. Let me ask the Senator if a great deal of the imports did not consist of sugar, tobacco, etc., and operated because of our taking the main duty off those products from the Philippines? In other words, we unprotected ourselves in order to obtain a very much greater supply from these foreign islands. Has not the greater portion of the increase in our exports been of beers, liquors, and other things connected with and for the use of Americans there?

Mr. STERLING. Mr. President, I will not say as to how much the duties or the want of duty on imports has affected the Philippine trade. It undoubtedly has affected it somewhat, but yet, Mr. President, I have no complaint to make with reference to that method of dealing with the Philippines and the Philippine trade.

Mr. McCUMBER. Let me ask the Senator another question, if the Senator will be kind enough to answer it.

Mr. STERLING. Very well.

Mr. McCUMBER. If we would put the products of Great Britain upon the free list, we could probably increase the trade from Great Britain to this country 300 or 400 per cent very quickly, could we not?

Mr. STERLING. Yes; but that is a different situation, a different condition of things. These are our own possessions, in whose advancement and development we are so much interested, and if we can encourage the development of their resources by giving them favors in the matter of import duties, I think it is the part of wisdom to do so.

Now, Mr. President, I wish to call attention to another thought, and that is Manila's importance to our far eastern trade. This is from an article by Mr. S. S. Knabenshue, former American consul general at Tientsin, China. I quote a short extract or two from that article. He says:

British commercial interests at once went to work to develop the new port of Hongkong. At that time the only settlement on the island was a village of Chinese, half pirates, half fishermen, with less than 2,000 inhabitants. In less than three-quarters of a century this has grown into the city of Victoria, with a population of 215,000—of which only some 10,000 are whites, the remainder consisting chiefly of Chinese. It was Great Britain's first commercial outpost in the Far East, and is now the most important port in that quarter of the world. It is a vast emporium of trade, handling the products of China and the Indies, which are sent by its merchants to Great Britain and Europe; and in return all kinds of western merchandise are distributed to the ports of the East. It concentrates about 30 per cent of the total foreign commerce of China, and is a most important financial and shipping center for the entire Far East.

Much else he says here is of interest and importance, but I forbear taking the time to read it.

So, Mr. President, I can not help but think that from the material, the commercial standpoint we shall find very soon that the Philippine Islands are no burden to the people of the United States. On the contrary, they will prove to be of immense benefit.

I now allude briefly to the question of capacity for self-government. I agree almost entirely with what the Senator from Idaho [Mr. BORAH] had to say in his very able speech the other day upon this particular proposition. In corroboration of what he said, and to emphasize, too, what I have heretofore said upon this subject, I call attention to the very able article entitled "Self-government in the Tropics; an analysis," by Samuel L. Parrish, which is a reprint from the Journal of the National Institute of Social Sciences. He has this to say, among other things:

In an examination of governmental conditions which from time immemorial have existed in the Tropics I can find no instance of an orderly self-government, with representative institutions, evolved from the people themselves. Nor, on the other hand, have the efforts made by England in recent times to introduce responsible self-government in her tropical dependencies given any encouragement that the issue of such experiments will prove successful. The mental, moral, and economic factors are all at variance with the conditions required for an orderly self-governing community. Of the millions of men who now occupy and of the untold millions who since recorded time have been the indigenous inhabitants of the Tropics, I think it may safely be said that no one commanding figure, judged by world standards, has ever emerged from the mass to challenge the admiration of the world as a benefactor of mankind.

Going on, he says:

The fourth and last proposition which I have undertaken to develop is: That controlling economic conditions, external and internal, no less than moral obligation will increasingly compel the United States, as potentially, if not actually, the most powerful of the civilized nations, to bear its full share in the system of dependent tropical government and supervision now recognized as an international factor of

unquestioned and growing importance. Of this question it may be said that since our Civil War none more vital has confronted the American people, and in the course of its solution may well be found practically most of the future danger points which must ever beset a progressive nation in the conduct of its political relations with the other nations of the world.

In considering broadly the development of interracial relations between the dominant and inferior races during the past century one can not but be impressed by the fact that the current has been distinctly in the direction of altruism, so far at least as Great Britain and the United States are concerned, and that, too, notwithstanding the recent outbreak of savage war among the dominant races who themselves inhabit the Temperate Zone.

Slavery has been abolished throughout Christendom, and oppression, injustice, and internecine strife have more and more been giving place to orderly government throughout the tropical dependencies ruled from the Temperate Zone.

Warren Hastings would be an anachronism in the India of to-day, while venal Spanish colonial governors in Cuba, Porto Rico, and the Philippines already seem to belong to a bygone age.

So, Mr. President, so far as there is any danger of the oppression of the Filipinos as long as they remain a part of the United States, I think it is the last thing to enter the mind of an intelligent American to-day and the last thing to merit discussion here. Further, this writer says:

Powerful as was the factor of self-protection in our late war with Spain, a sense of moral obligation alone made that war popular.

Mr. LANE. Mr. President—

Mr. STERLING. I yield to the Senator.

Mr. LANE. I notice the remark made by the Senator that so long as the Philippines remain in the possession of this Government they will not be liable to an attack upon their country. My opinion is just the opposite. I believe that so long as they are a part of this Nation, lying 7,000 miles from the nearest coast of this country, as they do, they are the most vulnerable and open to attack, and would be the first part of it which would be attacked by any nation at war with us in order to compel us to defend that part of our property which is the hardest for us to defend. I believe they would, by reason of their geographical position, call for an enormous increase in our Army and Navy, and that when the attack came upon us we would lose them. In addition to having to defend them from our enemies at sea, the Filipino, who resent our occupancy of their country, would attack us from the rear, and we would have to fight not only with them but with the other nation at which we were at war.

There is an element of great weakness, as I see it, in our possession of the Philippines. I do not see how the Senator, if he considers the matter carefully and from any viewpoint which a nation should take in attempting to defend itself, can view it otherwise than that the possession of the Philippine Islands is a burden upon this country.

Mr. STERLING. Mr. President, I take quite a different view than the Senator from Oregon on that proposition. I think our retention of the Philippine Islands will not make them the subject of attack necessarily, although that seems to be always assumed. Further, there will be the necessary fortifications on the Philippine Islands to repel attack. We already have in the island of Corregidor, in Manila Bay, a second Gibraltar. If we have a naval base and coal-supply stations, it will be necessary to have them fortified as well.

Further, Mr. President, there is this consideration, which goes beyond them all, that by our surrender of the Philippines we will not be able to stem the tide of trade and of commerce with those islands. We will not be able to prevent commercial rivalry and contest between nations by our surrender of the islands, or contests as to their respective fields or spheres of influence in the islands. A situation like that would be more likely to bring complications and breed trouble than will our retention of the islands, with the acknowledgment of our rights which would necessarily flow therefrom. To be considered, too, is the maintenance there of reasonably necessary fortifications for the islands, and these are largely there already.

Mr. LANE. Mr. President, every ton of munitions of war, every troop of soldiers, and every war vessel must be conveyed across the sea 7,000 miles before reaching its destination. It is therefore the most open to attack, with the fact in addition, as I stated before, that the natives themselves would revolt against us. The Philippines will be the first point of attack. Next comes the Sandwich Islands and then the Pacific coast. The retention of the Philippine Islands may in the future lead to the loss of the Pacific coast to this country.

Mr. STERLING. I should like to ask the Senator if he is in favor of the proposition to guarantee the independence of the Philippine Islands?

Mr. LANE. No; I am not so enthusiastic or enamored with that proposal as are some other Members of the Senate.

Mr. STERLING. That is the proposition involved in this bill.

Mr. LANE. That part of it I do not care much for, but I would gladly see this country get out of there, and go kindly

with well wishes for the Filipinos, wishing them success in their independence and apologizing to them for the time that we have occupied the islands.

Mr. STERLING. While the Senator says he is not enthusiastic over the amendment which provides for a guaranty for five years, I should like to ask him if he proposes to vote for that amendment?

Mr. LANE. If it is the best I can secure toward freeing them, making them independent, and getting out of their country and away from it, allowing them to carry on their own government as they see fit and as we do ours, I will vote for it. If I can get something better, something going further, then I will vote for that.

Mr. STERLING. Yet the Senator realizes, does he not, that the guaranty may involve the very possibility of which he speaks—that of having a fleet in the Philippine Islands to maintain the guaranty?

Mr. LANE. But it is for a limited period. It is a pledge to get out as soon as some of the gentlemen think we can do so; but I would get out as soon as I could, without any guaranty and with many good wishes nicely expressed to the people of that country. However, I am going to take the best I can get.

Mr. STERLING. I say to the Senator simply this, that I go back to the original proposition that with the surrender of the Philippines now the complications that will likely arise because of disputes in regard to trade and commerce, coupled, perhaps, with unsettled conditions in the islands thereafter, would be more likely to involve us in trouble with a foreign nation having interests or seeking interests there than would the continued ownership and retention of the Philippines.

I will read one or two other excerpts from this paper:

But in considering the moral we must not forget the economic side of the question.

That is a question that I first ventured briefly to discuss.

As we note the progress of society through its various stages of evolution, there is nothing more striking than the constantly increasing importance, during the past 50 years, of the economic phase of international relations.

But the source of this superabundant energy and resultant accomplishment has been in the temperate zone, and now, as never before, it seeks outlets in the farthest corners of the earth. With the vast increase in the wealth of the dominant races, an ever-increasing demand is being made upon every heretofore outlying tropical province of the world to furnish whatever it can best produce, and receive in return therefor such products of the temperate zone as may be suited to its requirements.

And if for any reason this production and consumption are retarded by internal disorder, or conditions that science or skill can remedy, then these northern cormorants for economic results insist upon furnishing the remedy. The recent disturbance in the sisal-hemp district of Yucatan which threatened the binding-twine industry of the United States, and therefore the American farmer, would seem to have stirred the present administration to greater activity—if we except the incident of the failure to salute the flag—than anything else that has happened in Mexico for the past two years.

To bring order out of chaos for the purpose of permitting the normal economic development of a tropical island at our very doors was at least one of the avowed objects of our late War with Spain.

In the train of that war followed, in natural sequence, our occupation of the Philippine Islands, for in the redistribution of territory and spheres of influence, since the beginning of the decay of Spain's colonial empire, both in the temperate and tropic zones, the United States has been continuously, since the foundation of our Government, Spain's actual and logical heir. Cuba, Porto Rico, and the Philippines are but corollaries of Florida and the original Spanish North American territory which came to us by forced cession after the Mexican War.

To what lengths the combination of economic necessity and moral obligation may yet compel the United States to go, no one may with safety predict, but I submit that we can not stand still. With the completion of the Isthmian Canal and the resultant increase in tropical trade, new problems arise.

So, Mr. President, although the Spanish-American War may have been the occasion of our ownership of the Philippines, we are Spain's "natural and logical heir." After Cuba and Porto Rico, the growing demands and needs of our eastern trade might easily without war lead us to the hope of dominating or acquiring the Philippines, and would have led us there eventually, to satisfy the demands of an ever-expanding trade.

Let me quote our former distinguished British Ambassador Bryce. At the beginning of his essay entitled "The Roman Empire and the British Empire in India," found in his "Studies in History and Jurisprudence," he institutes a comparison between these two great empires as conquering and ruling powers, acquiring and administering dominions outside the original dwelling place of their peoples, and impressing upon those dominions their own type of civilization; and he has this to say, which, I think, very pertinent to the broad issues here under discussion:

This comparison derives a special interest from a consideration of the position in which the world finds itself at the beginning of the twentieth century. The great civilized nations have spread themselves out so widely, and that with increasing rapidity during the last 50 years, as to have brought under their dominion or control nearly all the barbarous or semi-civilized races. Europe—that is to say, the five or six races which we call the European branch of mankind—has annexed the rest

of the earth, extinguishing some races, absorbing others, ruling others as subjects, and spreading over their native customs and beliefs a layer of European ideas which will sink deeper and deeper till the old native life dies out. Thus, while the face of the earth is being changed by the application of European science, so it seems likely that within a measurable time European forms of thought and ways of life will come to prevail everywhere, except possibly in China, whose vast population may enable her to resist these solvent influences for several generations, perhaps for several centuries. In this process, whose agencies are migration, conquest, and commerce, England has led the way and has achieved the most. Russia, however, as well as France and Germany, have annexed vast areas inhabited by backward races. Even the United States has, by occupying the Hawaiian and the Philippine Islands, entered, somewhat to her own surprise, on the same path. Thus a new sort of unity is being created among mankind. This unity is seen in the bringing of every part of the globe into close relations, both commercial and political, with every other part. It is seen in the establishment of a few "world languages" as vehicles of communication between many peoples, vehicles which carry to them the treasures of literature and science which the four or five leading nations have gathered. It is seen in the diffusion of a civilization which is everywhere the same in its material aspects and is tolerably uniform even on its intellectual side, since it teaches men to think on similar lines and to apply similar methods of scientific inquiry. The process has been going on for some centuries. In our own day it advances so swiftly that we can almost foresee the time when it will be complete. It is one of the great events in the history of the world.

Mr. President, it is a world movement, then, so to speak—a civilized world movement—and we of America are within the sweep of that movement. Should we back down and out of the Philippines now we can not in the future escape the impulse or influence of this movement. In these times government itself and the establishment of governments wait on economic needs and on the demands of commerce, and the energy of this movement will not be stayed by this or by any other legislation that we may enact; it is a process not determined by written law.

So, as stated before, in answer to the Senator from Oregon [Mr. LANE], obeying this law, and having behind us the impetus already received from our 17 years of occupancy, we will be in the Philippine Islands. If they are an independent nation, we shall be there for the purpose of exercising our influence and extending the sphere of our influence in competition with the other striving commercial nations of the world, and therein will lie greater danger of friction and of conflict than if we had retained the Philippines.

Mr. President, under all the evidence we have—the evidence of economists, of scientists, of the men who have studied races and their habits in connection with the climate in which they live—we know that the Filipinos will not be fit for independent sovereign government within 5 years or 10 years or 20 years, perhaps a century; we are well aware of that, and yet, forgetting our sacred obligations to protect, to lead, to educate them, we propose to make them a sovereign, independent nation within the short period of four years—so short a time in the life and growth of a nation. At the same time we propose to guarantee their independence for the period of five years, in conjunction with other nations, or, if they do not agree to unite with us, then alone. In those guaranties themselves we shall have the entangling alliances against which we have been warned from the beginning of our Government to the present time.

There are alliances and alliances—those that may entangle and those that can not entangle. In the extension of our commerce, in the acquisition of the Philippine Islands themselves, we have had, as it were, the virtual alliance, the countenance, and hearty support of that other greatest colonizing nation in history or on the face of the earth—Great Britain herself. We acquired the Philippines knowing we had at least her moral support, and we were glad to have that support. There would be no rupture with England because of their relinquishment, but her opinion of us, considering all our relations and common ideals, is a matter not irrelevant to this issue. I do not believe that she would willingly enter into an agreement with us, so important and vital are her interests, to guarantee with us the independence of the Philippines for five years or for any other period. I do not believe she would enter into any such agreement. Our action would be a disappointment to her.

Why, Mr. President, think of what is involved in securing the consent of any other nation to such an agreement, giving the Filipinos independence, and for five years guaranteeing their sovereignty and independence; of what is involved in securing the consent of the statesmen and leaders of other nations who would be asked to join in this guaranty, cognizant as they will be of the facts of history. The idea as it appears to me is altogether fanciful.

Will they guarantee the independence of 8,000,000 people of different races and different dialects, with the great mass of them untutored and knowing nothing of the first principles of government? Will they guarantee the independence of those islands against the disaster and the more than possible overthrow of government that would follow the dissension and the revolution of which there would be danger should we grant them

independence? No, Mr. President; it seems that we are making, as I said in the outstart—and I can not help but feel it most deeply and seriously—a grave national mistake. We are taking a step against which the achievements of the past and our success in the government of dependencies protest; we are taking a step in disregard of the material advantage we may derive from the retention of the islands and in which advantage the Filipinos themselves will share; it is a step against which the Filipino people themselves, as well as the whole American people, will in time protest; and, again, Mr. President, we are taking a step in which we ignore the sacred moral obligation to "bear the white man's burden" until the Filipinos are fit for independence and self-government. No Senator on this floor will hazard the statement that within the time provided by this bill or by these proposed guaranties the Filipino people will be fit for independent self-government.

Just a word in conclusion. I would retain the Philippines for an indefinite time without making the time of their independence the football of party politics during the years, without holding out, as we do when we follow that course, false hopes, which have the effect simply of encouraging what I may grant are the aspirations of a few brilliant politicians and agitators in the Philippine Islands, who do not reflect the feelings or the sentiments of the great body of the people. That agitation, both here and there, has been the Pandora's box from which has come many of the difficulties with which we have had to contend in the islands and some of the evils of our own party political life at home. So I would retain the Philippines without mention of the time when we would grant independence. Meanwhile I would govern them as a free, enlightened Nation can govern; I would see that they have the equal protection of the laws; I would extend as rapidly as possible to them the benefits of education, and with that education I would carry, too, experience and training in the principles of government; I would extend to them gradually that measure of self-government of which they shall be capable; I would await the time patiently until they are capable at least of autonomous government under our authority; and then I would leave it to them to say whether they would be independent or whether they would be—what they are likely to want to be—a part of imperial America.

Mr. VARDAMAN. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Gore	Martin, Va.	Smoot
Beckham	Gronna	Martine, N. J.	Stone
Brandegee	Harding	Nelson	Sutherland
Broussard	Hardwick	Newlands	Swanson
Bryan	Hitchcock	Norris	Thomas
Catron	Hughes	O'Gorman	Thompson
Chamberlain	Husting	Overman	Tillman
Chilton	James	Page	Townsend
Clapp	Jones	Pittman	Underwood
Clark, Wyo.	Kenyon	Polindexter	Vardaman
Clarke, Ark.	Kern	Pomerene	Wadsworth
Cummins	Lane	Robinson	Walsh
Dillingham	Lea, Tenn.	Shafroth	Warren
du Pont	Lewis	Sheppard	Works
Fletcher	Lippitt	Smith, Ariz.	
Gallinger	McCumber	Smith, Ga.	

Mr. TOWNSEND. I wish to announce that the senior Senator from Michigan [Mr. SMITH] is paired with the junior Senator from Missouri [Mr. REED]. This announcement may stand on all votes to-day.

Mr. CATRON. I wish to announce that my colleague [Mr. FALL] is absent on account of illness.

Mr. STONE. The Senator from Delaware [Mr. SAULSBURY] is detained on account of illness. He is paired with the Senator from Rhode Island [Mr. COLE]. I will let this announcement stand for the day.

Mr. CHILTON. I ask leave to announce that my colleague [Mr. GOFF] and the Senator from South Carolina [Mr. SMITH] are absent on account of illness.

The VICE PRESIDENT. Sixty-two Senators have answered to the roll call. There is a quorum present.

Mr. McCUMBER. Mr. President, I understand now that the Clarke amendment is before the Senate. To bring the matter to an issue upon the divergent thought of the Senate, I offer an amendment as a substitute for the pending amendment. I ask that the proposed substitute be read.

The VICE PRESIDENT. The Secretary will read as requested.

The SECRETARY. In lieu of the amendment proposed by Mr. CLARKE of Arkansas, it is proposed to insert the following:

The President of the United States is hereby authorized and directed to indicate to the great powers of the world the desire of this Govern-

ment to extend to the Philippine Islands and the Philippine people full and complete independence whenever it shall be warranted in the belief that such independence will be permanent and be respected by the other powers of the world. The President is further authorized and requested to secure from such other powers such agreements as will insure the independence of said islands in perpetuity, and when such agreements have been made he shall forthwith direct a convention to be held in such islands for the purpose of adopting a constitution providing for a republican form of government, and as soon as such constitution has been adopted and officers have been elected and a government inaugurated thereunder he shall, by proclamation, declare such islands and the people thereof to be a free and independent state, with all the powers of complete sovereignty.

Mr. McCUMBER. Mr. President, I have been laboring for some time under the impression that in conformity with the platform of the Democratic Party it was their intention to introduce and pass a bill the effect of which would be the independence of those islands from this Government. I confess that as amendments are being offered and coming from that side my faith in the intention of the other side of the Chamber to carry out that platform pledge has been somewhat shaken. I find an amendment offered here the purpose of which seems to me to be that of delay—to put the matter off at least for another administration to deal with, if not for several years. I can find nothing in the amendment or in the original bill which promises to grant independence or which establishes a rule under which such independence would naturally follow.

We are confronted here with two very distinct theories of our national duty. I should like the attention of the Senator from Arkansas at this point. The theory of a great many on this side of the Chamber is that we should not at this time even promise or suggest independence, backed by the belief of a great many on this side of the Chamber that we should continue to hold those islands for an indefinite time. I had supposed that the prevailing thought on the other side of the Chamber was that we should take definite steps toward securing Philippine independence, and that independence meant full independence from us without any strings attached to it.

Personally, I can not conceive of granting the Filipinos independence from us with a guaranty upon our part that we will protect their independence. That guaranty must necessarily carry with it the right of interference. The right of interference must to a certain degree deprive these people of the right of complete independence. Not only that, Mr. President, but the result of such a condition would be that while we release all power over the control of the islands and their internal relations, while we have no power to enforce their conduct toward the other nations of the world, we are forced to guarantee that they will not be punished for such misconduct by invasion by any other nation of the world.

I possibly stand midway between the two sides upon that question. I believe that we ought not to attempt to hold that Asiatic territory, either for our benefit or for their benefit. I believe that they do not want our protection. They are not asking for it. We are gaining nothing in affording it. There is no moral duty for us to reach over into Asia and impose our method of civilization upon them; and there being a constant responsibility, measured more than in mere millions of dollars, I think that our first duty is to get rid of those Asiatic possessions, and get rid of any Monroe doctrine that we would have to carry 7,000 miles from our shores. We have all of that doctrine we can properly attend to on this side of the earth.

Mr. NORRIS. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from Nebraska?

Mr. McCUMBER. Certainly.

Mr. NORRIS. I wish to inquire of the Senator about the words "in perpetuity" in line 10. I feel very friendly toward the Senator's amendment, but I do not believe we ought to try to get anybody else to agree to something we do not agree to ourselves.

Mr. McCUMBER. Mr. President, just let me say right there that the provision in the Clarke amendment was for temporary protection, and therefore to draw the line of distinction between this amendment and those that had already been offered, whereby we were to guarantee a temporary independence, I used the words, not to guarantee anything, but to secure an agreement that the independence of the Philippines should be recognized in perpetuity. That does not mean that other nations should agree with us that forever and ever they would keep their hands off of the Philippines, but that they would enter into an agreement that the islands should be free and independent indefinitely, or at least that they would not interfere with their independence.

Mr. NORRIS. Does not the Senator think that the words he has used mean more than that? The amendment says, "insure the independence of said islands in perpetuity."

Mr. McCUMBER. It says that the President should secure such an agreement as would insure their independence. Now, I think "perpetuity" goes a little further than I would insist on going.

Mr. NORRIS. It is a good while.

Mr. McCUMBER. If we just drop out the words "in perpetuity," and leave it so that it would mean indefinitely, we would obtain the same result.

Mr. NORRIS. If those words were out, I should be glad to vote for the Senator's amendment.

Mr. McCUMBER. I should be perfectly willing to have the words stricken out.

Now, I wish to address myself again to the author of the amendment. This amendment seeks to obtain a guaranty of other nations. I think the Senator introducing it could have little hope that we would be able to secure such a guaranty after the islands had become wholly independent of our sovereignty or control; and therefore he provides that if other nations will not guarantee their independence or territorial integrity for a number of years, this Nation shall be bound to do so for that definite time.

Let me put the same question that I did yesterday. The Senator was not present at the time. Suppose we present this question to Germany, for instance, after we have released the Philippine Islands, and they are just as independent of us as any other part of the world, and we ask Germany to enter into an agreement with us that she will assist us in guaranteeing the independence of those islands. The very first question that Germany probably would ask us would be: "What consideration is there for me to enter into an agreement of that kind at this time? That agreement means war. That agreement means that I shall become your ally. That agreement means that if you get into war with Japan, and Japan seizes those islands, then, under the guaranty which I make, it becomes my duty to join with you in a quarrel against Japan for the purpose of securing the abandonment of the islands by Japan."

Suppose we put the same proposition up to Great Britain. Would not her answer naturally be the same? "It is not a matter for me now to determine. Conditions might arise in which I might wish to join you in protecting those islands; but a protectorate, a guaranty, means that that guaranty must be backed with power, and backed with power means backed with the war power. I will not enter into an agreement beforehand that if you and Japan get into a quarrel in which I have no interest, and she attacks your outlying possessions, which naturally would be the very first place at which Japan would strike, I must enter into that war with you, take up a quarrel that does not belong to me and in which I am not interested, and assist you to drive the Japanese out of the islands, in order to protect their integrity."

I believe the only conclusion is that we never could secure an agreement of that kind, and to me it would seem as though we were a bit impertinent in asking the other countries of the world, after we have lost all control over the islands, to enter into an agreement with us concerning an entirely independent nation.

While I do not think we ever would secure the guaranty, I should have no objection to voting for the amendment that is proposed by the Senator if it provided in the very beginning that before we should release our control over those islands we should secure that guaranty, because I will never believe for a moment that we can secure it after we have released our control.

Mr. CLARKE of Arkansas and Mr. SHAFROTH addressed the Chair.

Mr. McCUMBER. I yield to either one or both the Senators.

Mr. SHAFROTH. Mr. President, would not the Senator's attitude be, then, that he would leave the independence of the Philippine Islands solely to the will of some foreign power? If you are going to make that a condition precedent to granting them independence, and say that these nations must join in a neutrality agreement, it would be in their power to prevent the independence of the Philippines.

I concur with the Senator in some respects in regard to the difficulty of getting foreign nations to agree to this; but I take it that according to the CLARKE amendment, while the President may not be able to obtain the consent of the nations of the world to guarantee by force of arms the sovereignty and independence of the Philippine Islands, yet he can do what has been done time and again, and was done with relation to the Hawaiian Islands, and that is that each nation would agree not to take possession of or control the islands in any manner. That would involve no obligation except their own obligation. If you would get the leading nations of the world to say, "We will not attempt to establish a suzerainty or any control whatever over the Philip-

pine," it would have the same effect as if there had been an agreement as to sustaining the sovereignty of the islands with armed force.

Mr. McCUMBER. The point I am attempting to make, however, is that it would be impossible to secure such an agreement. There are relations between Japan and Great Britain, treaties of common interest, treaties between the other nations of the Old World, of such a character and demanding the dependence of one upon the other, that it would be impossible, in my opinion, to get other nations to agree to guarantee their independence. Now, if you put it just upon this ground—to get them to agree, upon their part, not to interfere with the independence of the Philippines—that is a different proposition. That they can do. That is a negative proposition. But here you are asking them to enter into a positive agreement which it will require all of their armed force to carry into effect, and which might require them to do the very thing that they do not wish to do at the time.

Mr. SHAFROTH. But the Senator seems to attach to his amendment the idea that nothing with relation to the independence of the islands shall proceed unless that agreement is obtained. I take it that under the Clarke amendment the President would have a perfect right, if nations refused to enter into an agreement of the kind he states, to get them to say, "We will agree to withhold any effort upon our part to acquire any of the territory of those islands"; and, it seems to me, that would be right in line with the amendment. The lesser is included in the greater power, and if he can not obtain one he can obtain the other.

Mr. McCUMBER. No; I do not understand that the amendment is such that the President or anyone else can hold it up indefinitely. If I am in error in that, I am willing to be corrected. My understanding is that if this agreement is not secured within a certain time, then for a definite time we will guarantee the independence of the Philippine Islands, and then they shall become independent, with our guaranty for a specific time. That is my understanding of the amendment—not that the President has power, nor any succession of Presidents, to continue their dependence just as long as his judgment should dictate.

Mr. SHAFROTH. Oh, no; I do not understand that that exists under the Clarke amendment; but I think the Senator agrees that if the nations of the world would unanimously guarantee the independence of the islands it would unquestionably be a good thing.

Mr. McCUMBER. Oh, yes.

Mr. SHAFROTH. Now, if it can not be done, the President evidently has the power to do the next best thing, and that is to have each one agree that they will not trespass upon the territory of the Philippine Islands.

Mr. McCUMBER. Oh, but there is no such proposition in the amendment of the Senator from Arkansas. If that proposition were in it—that if the President can not secure the one, he at least might secure their agreement to refrain from interference upon their part, as a condition precedent to the granting of independence—I certainly should support it. But I want to say to the Senator that there is a line of difference between our ideas of what should be done with the Philippine Islands. While I take the ground that we are under no moral obligation to continue to educate the Filipino people indefinitely; that we are under no moral obligation to stand guardian over an Asiatic people seven or eight thousand miles away from our nearest border, I do concede that, having taken possession of them, having made them our foster child for a period of 16 or 17 years, our relation toward them has been changed in some respects, and that changed relation imposes a duty upon our part. My conviction is that if we now release our control over them, we should see to it that no other great nation shall proceed to take possession of them. I think we owe it to them and to ourselves, if we grant them independence, that we shall know beforehand that that independence is going to be respected by the great nations of the world.

Mr. SHAFROTH. The trouble with the position of the Senator is that he wants that as a condition precedent. I think the most important thing is the independence of the Philippines. If they are willing to take the independence without this guaranty—and it seems that they are, as they say that no nation that ever obtained independence ever asked for a protectorate—we ought not to hold back and make it a condition that "it is necessary to obtain an international agreement before we will give them independence." We ought not to make such a condition.

I do not consider that the danger of outside interference is of such great moment. I do not believe that there is going to be any such interference. Many of the nations of the world are

small, and yet have maintained their independence for many years. I believe that there is more danger to the Philippine people of a change of policy of some kind upon our part, as in the exercise of an iron hand upon them, and that they would have more ground for fearing that than they would of any other nation attempting to take control of them.

For that reason I put first, as the most important thing in this bill, the independence of the islands; and second, such guaranties of nations as we are able to get to maintain their independence.

Mr. McCUMBER. No, Mr. President; the most important thing is not the temporary independence of the islands. The most important thing is the permanent independence of the islands. The most important thing to the islanders themselves is not that they shall be granted a temporary independence that may last two or three or five years, and which they may lose the moment that any of the countries get into a conflict over there, and either one or the other may consider that it is for its interest that it should seize and hold the islands. I think we owe them a further duty than merely saying, "Now, get out and take care of yourselves." The reason why I insist upon the condition precedent is that I feel positive we will not get any condition subsequent; certainly not a condition that amounts to a guaranty of their independence.

I am not frightened by the specter that is held up by my good neighbor here from South Dakota [Mr. STERLING] that the moment we cease our control over those islands there will be scenes of riot, insurrection, and bloodshed. I believe the evidence establishes that the great majority of those people are rather docile. I am more inclined to think that the great majority will be imposed upon, and that the government will be controlled by a very few than there will be danger of insurrection after insurrection. Probably not more than one out of fifty of the inhabitants of those islands is fitted for self-government, and the probabilities are that that one out of fifty in each instance will do the governing. They may govern fairly well; but what I want to secure, before I dare let go of those islands, is the assurance that no other nation will immediately seize them. We would not want to send our child out from us where we knew or felt that there was danger of his being destroyed by any force; nor do I feel that we ought to send the Philippine Islands out of our control without some understanding on the part of the other nations of the world that if we are generous enough to grant them their independence other nations shall at least be generous enough to leave them alone.

I am fearful that they are not all governed by the same ideals that I hope govern this country. I never have known of an instance in history where any great nation, as powerful as ours, has taken possession, through conquest or otherwise, of another smaller country and has withdrawn of its own accord; has given the people of the subject nation education and shown it the pathway of popular government—"We will now release you from our control and send you on your way with our blessing." I am suspicious that the world is not educated up to that idea as yet, and that you can not trust it implicitly. Because of my suspicion, I do hope that before we adopt a policy that says that the Philippine Islands shall no longer be subject to this country we shall feel reasonably sure that they shall not be subject to any other country in the world.

The Senator from South Dakota [Mr. STERLING] has discussed the value of the Philippine Islands to us from a financial standpoint. I said the other day, and I think I could corroborate the statement by figures if I desired to take the time, that where we have received \$1 of benefit we have paid more than \$100 of expense. Wherever we have increased the trade of the Filipino people with the United States we have done so at the expense of the people of the United States in giving them free markets for their sugar and tobacco, and so forth, that compete with our own home industries. From a commercial standpoint we have benefited them, without any possible question, and if they have received any benefit from us we have taxed ourselves to pay for that benefit ten times over.

But we can not measure our responsibilities in mere dollars and cents. There is another obligation that we have imposed upon us. We are now to enter upon a new phase of American life—the creation of a mighty Army and Navy. We are now to compete with Great Britain and Germany and Japan in the building of dreadnaughts. I admit that so long as we hold the Philippine Islands we shall have to have more dreadnaughts than either Germany or Japan. We shall have to be able to defend the islands. As has been suggested by the Senator from Oregon [Mr. LANE], those islands are the one great vulnerable point in our American defenses, and we must meet that vulnerability.

Mr. STERLING. Mr. President—

The VICE PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. McCUMBER. With pleasure.

Mr. STERLING. I merely wish to ask the Senator if that consideration has governed us up to this day in the matter of building dreadnaughts? Can the Senator say that we have increased our Navy or built dreadnaughts for the purpose of defending the Philippine Islands?

Mr. McCUMBER. Yes, Mr. President; it has governed us. I remember very well when we were first asked to increase our yearly appropriation for two battleships a year to four. It was based entirely upon the assumption that there was danger from the Asiatic side, not from the European side, at that time; and it meant that we must have an ever-increasing navy to be able to meet the conditions on that side of the ocean. I will say frankly to-day that if I vote for added dreadnaughts, and so forth, I shall be governed more by the necessity of defending the Philippine Islands than by any other single factor.

Mr. STERLING. Mr. President, I should like to ask the Senator from North Dakota a further question—whether, irrespective of the Philippine Islands, he thinks our Navy is too large?

Mr. McCUMBER. No; Mr. President, I answer the Senator frankly. We may need a good, strong Navy. I do not think we need as great a Navy as Great Britain, if that is included in your question, for the reason that Great Britain has vulnerable points even beyond that which we have, and so close to us where we can strike her so quickly and so effectively that there is no danger of war with that country, unless we were the one to force the war ourselves.

Mr. STERLING. I quite agree with the Senator from North Dakota, that we do not need nor should it be our ambition to have as great a Navy as Great Britain; but my question simply related to whether or not, irrespective of our ownership or retention of the Philippines, our Navy as it exists is too large.

Mr. McCUMBER. No; I am not saying that our Navy as it exists is too large. As the other nations grow in naval power and as we have considerable commerce with the outside world, we shall have to keep somewhat apace with their growth, but it does not mean, as in this instance, that we shall not only keep at a general pace but keep ourselves so much ahead that we are able to cross the ocean 7,000 miles and defend our outlying possessions. It needs a very much larger Navy, and a very much larger standing Army to be transported to this weakest point than it would require if we were not under obligation to protect them.

Mr. STERLING. Mr. President, we are then coming back to my original proposition exactly, that we have no greater Navy now than we reasonably need. The Senator has said that we were induced to build a Navy because of the Philippines, and that that was the argument used at the time of the appropriation for the increase of the Navy.

Mr. McCUMBER. Oh, no; the Senator misunderstands me. That certainly was not my intended statement.

Mr. STERLING. I so understood the Senator.

Mr. McCUMBER. I say the growth has been influenced more or less by the fact that we have had the Philippines, and that has been used heretofore as an argument to double the number yearly of our dreadnaught type of battleships, because of the danger from the Asiatic side.

Mr. STERLING. Then, Mr. President, all I have to say is that if our Navy is no greater than we need, the influence of the Philippines in causing the building of a greater Navy was a good and wholesome influence.

Mr. McCUMBER. The influence did not operate to build the extra two, however. The influence was not sufficiently strong. We voted only our two battleships yearly, just the same as we had done the year previous; but the pressure was extraordinarily strong that we should proceed immediately to provide for four battleships a year, and to-day there are administration orators traveling over the country proclaiming the necessity of not only doubling but trebling or many-times-over increasing our armament and battleships.

The question comes right back to us, why? What particular danger looms up in the horizon to-day which demands that we should so greatly increase our naval and military power? We know that the great nations of Europe must necessarily be nearly exhausted before they get through with this war. We know that they will not be in a condition to immediately enter into an aggressive war against us. We know that if there were dangers pending that, with our present preparedness, we could further prepare more rapidly than they could, with their depleted war chests and their destroyed resources. We could fit ourselves ready for war more quickly than any of these Governments could fit themselves to make war against us. Then why

this wonderful haste toward suddenly building up a mighty war fleet and increasing our standing army without giving us the slightest idea as to where the danger is to come from?

Because of our attitude toward people of a certain color, who are proud and strong and believe that they ought not to be legislated against, I can naturally see that there is constant danger of friction and that we can never tell when that danger may break out into open hostility, and we must be prepared to meet it. But it is one thing to be prepared to meet and overcome a hostile fleet seven or eight thousand miles from our own shores and quite another to merely defend our own coasts or our necessary commerce. With submarines and torpedo boats and mines we can defend our own shores. We would not require half as much of a navy in the one instance as in the other.

That, Mr. President, is one of the principal reasons why I would like to get rid of the Philippine Islands and withdraw our Monroe doctrine from Asiatic waters. We will have enough to do to take care of our Monroe doctrine right here at home without attempting to enforce it all over the world. The amendment of the Senator from Arkansas forces our Monroe doctrine into Asia.

Mr. STERLING. Mr. President, I may agree with the Senator from North Dakota in regard to objections to the administration defense program—I am not quite ready to say what my position will be in that regard—but I think he must concede that in his general view of the European war now that is the great stimulus for this immense defense program, and not the Philippine Islands.

Mr. McCUMBER. I am very thankful to the Senator that he has given me the reason. In other words, he says we are nervous of war; that war is going on around us and it makes us nervous.

Now, the time to be sane is when everyone else is crazy. The time for us to keep our mental balance is when all the rest are at war attempting to destroy each other.

I am not discussing at present the general matter of an increased Army and Navy. I am willing to join in doing what is necessary and proper for national defense or preparedness, but I should like to have some good reasons stated why it is necessary to double and treble our Army and our Navy unless we are all looking toward that one weak spot away off in the Pacific—and the sooner we get rid of that, in my opinion, the better for this country.

Mr. President, in closing this short debate I assume that Senators on the other side are already agreed as to what they are going to do in the matter of amendments. I am not so fearful now of your Filipino bill becoming an effective law that will really bring on the independence of the Filipinos. You put the matter off for several years. You establish no definite policy, except a policy to get something that I am certain you will never succeed in getting, a guaranty. Another Congress two or three Congresses ahead will undoubtedly deal with that question. But feeling as I do that we ought to get out of Asia, feeling as I do that we owe a duty to the Philippine Islands because we have held them and that duty is to assure the independence which we may grant to them, I have drafted this simple amendment. If we can not secure from these Governments an agreement that they will respect the independence of the islands toward which we show this kindly interest and this great national spirit of justice, if they will not agree to allow them to remain independent, then I say frankly I want to hold them until they do agree to do so.

Mr. STERLING. If the Senator will permit me a question before he takes his seat; I refer to the first part of the Senator's amendment which authorizes the President of the United States "to indicate to the great powers of the world the desire of this Government to extend to the Philippine Islands and the Philippine people full and complete independence whenever it shall be warranted in the belief that such independence will be permanent and be respected by the other powers of the world." I suppose the meaning is whenever the Government of the United States shall be warranted in the belief.

Mr. McCUMBER. Surely; the pronoun "it" refers to the Government.

Mr. STERLING. I would like to have the Senator explain in what way we would have an expression of that belief on the part of the Government. It would be by act of Congress?

Mr. McCUMBER. No; by entering into diplomatic relations with each of the great Governments that would be at all liable to interfere with the independence of those islands, and an agreement or a treaty, because it would be in effect a treaty, that they would refrain from interfering with the independence of the islands.

Mr. STERLING. Yes; but before there is any diplomatic correspondence with other powers, Mr. President, the amendment implies that the Government of the United States shall be

first warranted in the belief that such independence will be permanent and be respected by the other powers of the world.

Mr. McCUMBER. I do not think the Senator reads it correctly—

The President of the United States is hereby authorized and requested to indicate to the great powers of the world the desire of this Government to extend to the Philippine Islands and the Filipino people full and complete independence whenever it shall be warranted in the belief that such independence will be permanent—

And so forth.

That is, that the Government will indicate the desire of this Government to extend to the Philippine people independence when this Government is assured that the independence will be permanent. There can be but one meaning to that.

Mr. STERLING. Mr. President, just one further question. Of course the Senator realizes to what extent the question of independence in the Philippine Islands has been made the subject of party politics from the time of our acquisition of the islands. Does not the Senator think that even with his amendment it would still be made a partisan matter?

Mr. McCUMBER. No, Mr. President; I hope that that would not be the case. I am dealing with the matter certainly from a nonpartisan standpoint, and I hope Senators on the other side will do exactly the same thing, and will show their good faith in the intent to give to these people independence. Giving them independence from us is not where we want to stop. We want to know that they are going to be independent after they have left our control.

Mr. President, I will strike out of my amendment the words "in perpetuity," in line 10. I do not think they are necessary.

Mr. CLAPP. Before the Senator takes his seat will he pardon an interruption?

Mr. McCUMBER. Certainly.

Mr. CLAPP. I certainly do not want to be captious about the amendment; I am in sympathy with a good deal that the Senator has said; but it does seem to me that this leaves the matter in a very vague and indefinite way. After first providing that the President is "authorized and requested to indicate to the great powers of the world the desire of this Government to extend to the Philippine Islands and the Filipino people full and complete independence whenever it shall be warranted in the belief that such independence will be permanent and be respected by the other powers of the world"—

Mr. McCUMBER. That is, it is our desire to do so only when we are assured that it will be respected. That is the meaning of the phrase.

Mr. CLAPP. Now:

And when such agreements have been made.

There are no designated governments that we are to deal with. The administration which is in power might feel that an agreement with one or two nations would do, while Congress might feel that the nations which might most likely be inclined to make trouble thereafter were not included. There would then the issue arise as to whether or not the great powers of the world had joined in this agreement.

Mr. McCUMBER. Mr. President, we have dealt so long with the phrase "the great powers of the world" that I think we have all come to recognize what is meant by it. It is impossible to designate every nation in the world or to designate just where the line might be drawn. I should think it a little mischievous to designate particular nations. I would rather leave it to the President to act when he thinks that we have a sufficient number to justify it. Remember the matter will always be before Congress until it is completed. I certainly would want Great Britain, Germany, France, Austria, Russia, Italy, Japan, and Spain to be included. The President might think it was not necessary to include Italy or not necessary to include Spain, possibly not, but I think in all probability he would include those which we recognize as the principal powers of Europe and Asia.

Mr. CLAPP. My objection to it is that it really does not settle anything. It does seem to me that we ought to do one of two things—either quit talking about the independence of the Philippine Islands or take specific steps that more or less automatically would lead to our acknowledgment of their independence.

I do not want to be captious every time a Senator offers an amendment here; I realize that it is much easier to find fault with amendments than it is to draw them; but it does seem to me that at this time we ought to do one of two things—either quit talking about it or take steps to acknowledge their independence.

Mr. McCUMBER. Let me ask the Senator a question, since he has asked me one. Even though the Senator may believe in the independence of the Philippine Islands, does he believe that

we ought to grant them independence without any understanding with any power on the face of the earth that that independence shall be recognized or respected? Would he be willing to turn them loose without any understanding with any other power in the world?

Mr. CLAPP. That is just what I am in favor of, so much so that I find it difficult, even as a step toward their independence, to support any of these amendments. I am opposed to any string being tied to it, and I certainly am opposed to any entangling engagements with other nations or any entangling engagements between the Filipinos when they become a nation and this Nation. If on the day when our fleet sailed into the harbor of Manila there was no obligation resting on us to wrest the Filipinos from foreign dominion, there certainly is no obligation resting upon us to-day to guarantee their independence, unless in the 17 years we have rendered them less capable, perhaps, to take care of themselves than they were before.

Mr. McCUMBER. Mr. President, there is no obligation on my part to take a poor child out of the street and take him into my family for 17 years, but if I do so I feel that I have a little greater obligation at the end of those 17 years to look after the interest of that child. That is the difference between the Senator and myself.

Mr. CLAPP. When I surrender that child he may be less able and less capable to meet whatever surroundings there might be in front of him. If I had taken the child and led him by the hand for 17 years and guided him and protected him and guarded him, I am under no obligation to continue that burden unless my relations to that child had rendered the child less capable than he was when I first took him under my tutelage and guardianship.

Mr. McCUMBER. Possibly, Mr. President, there would be no real obligation except the obligation of your own heart and conscience. Interest grows toward your ward, an interest which demands of you that you should do something more for that child than you would if he had never been under your control.

Mr. CLAPP. Undoubtedly in the 17 years with that kind of a relationship there would grow up in me an affection for that boy, but I am speaking now of one race dealing with an alien race, where the sentiment of affection cuts no figure and can not cut any figure. We took those islands. We were under no obligation that morning to relieve them from the dominion of Spain. After 17 years, teaching them the lesson of liberty, teaching them the intelligence that comes from common schools, if to-day we are under an obligation to do something that we were not before we sailed there in 1898 it is because the relation which has existed has rendered them less capable and less competent to go on with their own affairs.

Mr. McCUMBER. Mr. President, I feel that there is more of an obligation than there was upon us when we first took the Philippine Islands, but that is a difference between the Senator and myself.

Mr. NORRIS. Mr. President—

Mr. McCUMBER. In just one moment I will yield. The Senator says this amendment does not get anywhere. I do not want it to get anywhere until I know that these people are going to have independence, until we get an understanding. I believe that all the nations of the world would be glad to have us release the Philippine Islands and not project ourselves into Asiatic matters, unless possibly it would be Great Britain alone. I feel that there would be no difficulty while they are in our possession for us to get an arrangement, because there is a consideration. While they are ours, the consideration is that we will let go of them, and I believe all the great Governments would be highly pleased to have us do so. But beyond that, if we once let go of them, then I can not see any consideration that we can offer to other nations for entering into a guaranty obligation.

Mr. CLAPP. I quite agree that there is nothing in the guaranty obligation, and if I vote for that amendment it will be solely on the ground that it is the only apparent avenue toward a conclusion of some sort in this matter. But my objection to this is that after this experiment of getting the agreement with those nations has been tried out, one group will say to this country we have now placed this matter where independence is permanently guaranteed and another group will say we have not got this nation or that nation into the agreement, and we still leave it a matter to be beaten back and forth between two political parties.

Mr. McCUMBER. There may be some dangers, Mr. President, from certain directions where there would be no danger from other directions. I think we could trust the President and Congress to determine which were the dangerous directions and to meet them.

Obtaining this agreement will be the first step. Then all we have to do is to call a convention and agree upon a republican form of government in the Philippine Islands, allow them to elect their officers, and then a proclamation by the President frees them forever from our control, under the amendment which I offer.

Mr. CLAPP. That part is easy. When the various contending factions and interests in this country, if they ever should, under this amendment, agree that a sufficient guaranty has been obtained, the balance of it is automatic. That is a part of the amendment that I am in sympathy with, and to that extent I prefer it to the other amendment. But that does not relieve us of the situation that at any time there will still be a difference of opinion. There are those who believe that the suggestion of the Philippine Islands being attacked by some foreign nation is a dream. The only reality it has in history is the fact that we took them when we got into the war with Spain.

Mr. McCUMBER. If we had not been in the war with Spain, we never would have taken them.

Mr. CLAPP. We never would have touched them.

Mr. McCUMBER. The Senator is absolutely correct. I yield now to the Senator from Nebraska.

Mr. NORRIS. I wish to direct the Senator's attention to line 6 of his amendment. I suggest to him that there might be, it seems to me, a possible misunderstanding there in the way it reads. If the Government of the United States "shall be warranted in the belief that such independence will be permanent and be respected by the other powers," and so forth. It seems to me that the words "permanent" and "be" ought to be stricken out, so that it will read that the President shall indicate to those powers that this Government desires "to extend to the Philippine Islands and the Philippine people full and complete independence whenever it shall be warranted in the belief that such independence will be respected by the other powers of the world."

If it is left just as it is it will be for this Government first to determine whether it is of the belief that the independence will be permanent, and after it has determined that, then, whether such independence will be respected by the other powers of the world.

Mr. McCUMBER. The Senator does not get the right construction of the sentence. The sentence means that we indicate our desire to grant independence on the condition that we believe such independence will be permanent.

Mr. NORRIS. Now, when is that going to be? Who is going to decide that?

Mr. McCUMBER. It is simply declaring our sentiment that we do not wish to indicate that we would give them independence independent of the fact that it shall be recognized by others. We want that first.

Mr. NORRIS. Then, does not the Senator think it will take some further legislation? Suppose the President would say, "I am of the opinion myself, and I am representing the Government of the United States, that independence would not be permanent?"

Mr. McCUMBER. No; the President simply indicates not his desire, but that it is the desire of this Government to grant independence to those islands upon assurances that such independence will be permanent. It does not desire to grant independence unless it is assured.

Mr. NORRIS. By the other governments?

Mr. McCUMBER. Yes.

Mr. NORRIS. That is what I thought the Senator wanted it to mean, and that is what I should like to have it mean, but it seems to me that as he has it drawn it does not quite mean that. The President could really say, "The Government of the United States has not yet determined the first feature." It says, "The President of the United States is authorized and requested to indicate to the great powers of the world the desire of this Government to extend to the Philippine Islands and the Philippine people full and complete independence whenever it shall be warranted in the belief that such independence will be permanent and be respected by the other powers of the world."

Now, somebody must determine for this Government. We do not determine it by this act, if we leave it that way. Somebody must determine for the Government whether we believe it is going to be permanent, and after we have determined that then we want an additional assurance that it will be respected by the other powers.

Mr. McCUMBER. Mr. President, that is not the idea I seek to convey at all. That section relates only to the expression of the desire of this Government.

Mr. NORRIS. I think I understand.

Mr. McCUMBER. It has nothing whatever to do with the act of the President, except that the President shall indicate

that it is not the desire of this Government—putting it in the negative way—to give independence to the Philippine people unless it feels at the time that such independence will be respected and be permanent.

Mr. NORRIS. I think the Senator and myself are in perfect accord as to what we want to do, but it does seem to me that he has not expressed that idea, and that it would be completely expressed by striking out the words "permanent and be." Then it would read:

The President of the United States is hereby authorized and directed to indicate to the great powers of the world the desire of this Government to extend to the Philippine Islands and the Philippine people full and complete independence whenever it shall be warranted in the belief that such independence will be respected by the other powers of the world.

Mr. McCUMBER. Well, Mr. President, it would mean exactly the same thing, in my opinion; but, as the Senator thinks that it will not, I will amend it by striking out the words "permanent and be" in line 6 and will offer the amendment in that form.

The VICE PRESIDENT. Then, the question is on the amendment of the Senator from North Dakota as modified to the amendment of the Senator from Arkansas.

Mr. HITCHCOCK. Mr. President, is that amendment offered as a substitute for the amendment of the Senator from Arkansas?

Mr. McCUMBER. Yes; that is the purpose.

Mr. HITCHCOCK. While I am on my feet, Mr. President, I wish to say that the Senator from North Dakota is not entirely accurate in his statement or assumption that the Senators on this side of the Chamber have agreed upon any particular amendment to this bill. The bill has been discussed for the most part on the other side of the Chamber. I think it is growing rather late to-day, but to-morrow it will probably receive some discussion on this side of the Chamber, especially by the Senator who is the author of the amendment.

I want to say for myself that the amendment as proposed by the Senator from Arkansas is not satisfactory and that I shall take occasion to point out what I consider objections to it, or to parts of it; but I did not like to have the statement of the Senator from North Dakota pass without comment and leave the assumption that there has been any agreement upon the amendment.

Mr. CLARKE of Arkansas. Mr. President, on to-morrow at 2 o'clock I shall ask the Senate to hear me briefly in support of the amendments I have from time to time offered. I think I can join the Senator from Nebraska in the statement that the amendment in its present form is not so satisfactory to me as it might be. I have been induced to modify it from time to time until I am now in a frame of mind to say that it barely satisfies me. I would be glad to see more prompt, effective, and definite action taken in connection with this subject, but legislation is a matter of compromise; it involves the process of harmonizing conflicting views, and it frequently turns out that a legislator is compelled to accept very much less than he would demand if he had the power to supply his own wishes. So I will address the Senate briefly on to-morrow, if I have the opportunity, at 2 o'clock.

Mr. CUMMINS. Mr. President, I could not hear the suggestion made by the Senator from Nebraska [Mr. HITCHCOCK]. Whenever the amendment offered by the Senator from Arkansas [Mr. CLARKE] is complete, I have an amendment which I propose to offer as a substitute for it, after the other amendments already proposed are voted upon. I could not hear what the Senator from Nebraska suggested with respect to the procedure. Will he restate it?

Mr. HITCHCOCK. Mr. President, I made no suggestion as to the procedure. I understand that the vote will first come upon the substitute offered by the Senator from North Dakota [Mr. McCUMBER], and, so far as I am concerned, I am ready to take that vote now. After that has been acted upon it will then be for the Senate to decide what further action to take. The Senator from Arkansas desires not to speak to-day. I had hoped that he would address the Senate to-day, and that the amendment might come to a vote to-day; but to-morrow I shall urge that we reach a final vote upon the amendment of the Senator from Arkansas and all substitutes or amendments to it.

Mr. CUMMINS. I understood the Senator from Arkansas to suggest that he desired to discuss his amendment to-morrow at 2 o'clock; but do I understand from the Senator from Nebraska that the present amendment offered by the Senator from Arkansas is to be withdrawn and another offered in its stead?

Mr. CLARKE of Arkansas. No, sir; the Senator did not understand the Senator from Nebraska to say that, because there is nothing less likely to occur than that. It may be amended, and probably needs amendment, but I think I can say with certainty that it will not be withdrawn.

Mr. CUMMINS. I thought that a different amendment had been agreed upon on the other side.

Mr. HITCHCOCK. No, Mr. President. I was correcting a statement made by the Senator from North Dakota to the effect that he assumed that this side had agreed upon some particular amendment.

Mr. CUMMINS. I beg pardon. I entirely misunderstood the Senator from Nebraska.

Mr. McCUMBER. Mr. President, I am glad if I have been misinformed.

Mr. CLARKE of Arkansas. Mr. President, we have not adhered very closely to the rules in the consideration of these various amendments. As a matter of fact, there are three so-called Clarke amendments pending; that is to say, there are three that have been introduced. The Senator from Iowa need not defer until to-morrow any remarks that it is his purpose to submit, for his amendment has been offered; it will be reached in regular order, and there is no reason why he should not proceed with his remarks this afternoon if he sees proper to do so.

Mr. CUMMINS. I am quite ready to go on at any moment when it is in order to do so. I desire, as soon as the amendment offered by the Senator from North Dakota is disposed of, to offer an amendment, and when I have offered it I intend to debate it.

Mr. CLARKE of Arkansas. It will be only an amendment in the second degree if the Senator should offer his amendment now. That is in order, and he may debate that at this time.

Mr. McCUMBER. Mr. President, the ordinary rule of the Senate is that an amendment should be perfected before any other amendment is offered as a substitute; and as the Senator wishes to defer his discussion and, possibly, to perfect his own amendment, I would rather not press mine for a vote this afternoon, but wait until I know just exactly what the Senator is going to propose. Possibly his amendment might be such that I would not want to offer mine as an amendment to it.

Mr. CLARKE of Arkansas. I have no purpose at this time of offering any further modifications of the amendment; but I was attempting to make way for the Senator from Iowa to proceed with his remarks this afternoon. The amendment offered by myself is the main question. The Senator from North Dakota has offered a substitute. The Senator from Iowa may offer his amendment as a substitute for the amendment offered by the Senator from North Dakota, and proceed at this time, if he so elects.

Mr. CUMMINS. I prefer, if it will not inconvenience anybody, to offer mine as a substitute for the amendment presented by the Senator from Arkansas, after the amendment proposed by the Senator from North Dakota shall have been disposed of in some way.

Mr. McCUMBER. And, Mr. President, I would prefer to defer action on my amendment until the Senator from Arkansas, who has not spoken upon his amendment at all, has had an opportunity to do so. He might change my opinion altogether.

Mr. CLARKE of Arkansas. I think that is an entirely reasonable request, and I am sure the Senate will not insist upon a course in contravention of it.

EXECUTIVE SESSION.

Mr. STONE. Mr. President, if there is nothing more now to be said, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 27, 1916, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 26, 1916.

SURVEYOR GENERAL.

Frank P. Trott, Phoenix, Ariz., to be surveyor general of Arizona.

POSTMASTERS.

ARKANSAS.

Camille Bringle, Wilson.

DELAWARE.

John T. Ratledge, Elsmere.

MASSACHUSETTS.

John Adams, Provincetown.

NEW YORK.

Sylvester Curry, Richmond.
Thomas J. Gallagher, Geneva.
C. B. L'Amoreaux, Schoharie.
John P. Purcell, New Dorp.

SOUTH CAROLINA.

William H. Coleman, Columbia.

WASHINGTON.

Edward W. Ferris, Mount Vernon.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 26, 1916.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

"O Thou Eternal One, whose presence bright all space doth occupy," mindful of our dependence upon Thee for all that we are and all that we can hope to be, we most fervently pray that Thou wilt continue to uphold, sustain, and guide us as individuals and as a people; deliver us from egotism and bigotry, that with minds and hearts open to conviction we may march on to larger life, to greater victories, under the leadership of the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

FRANCES M. HAMMOND—LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. DALE of New York, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Frances M. Hammond, House bill 21013, Sixty-third Congress, no adverse report having been made thereon.

CALENDAR WEDNESDAY.

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the Committee on Labor.

CHILD LABOR.

Mr. LEWIS. Mr. Speaker, on last Wednesday the bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes, was called, but by unanimous consent consideration of that bill was deferred until to-day.

Mr. MANN. Mr. Speaker, would it not be well to have some agreement as to the time for general debate?

Mr. LEWIS. Under the amended rule, the general debate is limited to two hours.

Mr. MANN. Unless the House by unanimous consent extends the time.

Mr. LEWIS. In the absence of any agreement, I presume that an hour will be given to each side, and I move that the House resolve itself into the Committee of the Whole—

The SPEAKER. That motion is not necessary. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R. 8234, and the gentleman from Texas [Mr. GARNER] will take the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of H. R. 8234, to prevent interstate commerce in the products of child labor, and for other purposes. The gentleman from Maryland is recognized.

Mr. LEWIS. I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maryland asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. LEWIS. Now, Mr. Chairman, I ask unanimous consent that half of the two hours of general debate be put under the control of the gentleman from Virginia [Mr. WATSON].

Mr. MANN. It does not require unanimous consent. The committee can not give more time. The gentleman will have an hour.

Mr. MOORE of Pennsylvania. Mr. Chairman, the gentleman from Maryland made a request for unanimous consent, which, at the suggestion of the gentleman from Illinois [Mr. MANN], seems to have been waived. Reserving the right to object for a moment, I want to ask the gentleman from Maryland whether the two hours' general debate is to be confined to the bill?

Mr. MANN. The rule requires that.

Mr. LEWIS. That is my understanding.

Mr. MOORE of Pennsylvania. That there shall be no outside discussion, then, during the two hours?

The CHAIRMAN. The rule provides that the discussion shall be confined to the bill. The gentleman from Maryland [Mr. LEWIS] is recognized for one hour.

Mr. LEWIS. Mr. Chairman, two questions are presented by the report of the committee on this bill. The first is a question of policy, the second is a question of constitutional power.

I submit that the question of policy has been settled by the legislative decisions of nearly all the States. According to those decisions it is necessary that limitations be placed upon the contractual powers of the parent and the employer with reference to the age when the minor may be employed. Another branch of the question of policy is this: Should those restrictions be imposed by 48 governing authorities, bound in the nature of things to differ, and to introduce uncertainty and complexity in the operations of the rule, or where there is practical unanimity as to the necessity and wisdom of the rule, should it be prescribed by a single authority, insuring uniformity in application and effect? So far as I am concerned, sir, I consider definite rules of limitation upon the ages when children may be employed as of an importance equal to that which actuated the Congress in passing a uniform bankruptcy law. I see no more objection on institutional or moral grounds to applying a uniform rule to the subject of labor of children than I see to applying it to the subject of the rules that shall govern insolvent debtors and their creditors. No appeal on the ground of sectionalism, no attack on the ground that some particular State is delinquent, makes any appeal to me. I plant myself firmly on the ground that the child's life, the importance of a good rule and a uniform rule with regard to the employment of children, are of a dignity that ranks as high as the business considerations which have inspired us to pass a uniform bankruptcy law.

That leaves open, then, only, so far as I am concerned, the question of constitutional power. With regard to that, sir, I must say that, as a lawyer, I have been surprised by the discussions that have taken place before this committee, discussions of a character upon constitutional law that rank as high as any discussions I have ever heard in my experience of 20 years as a lawyer before the courts of my State, to find that clearly and lucidly the power to deal with this subject, the power to deal with any subject relating to the interstate-commerce laws, is one very much more plenary, very much wider in character, than I had ever supposed.

The result of those discussions, sustained by the courts stated in the form of a conclusion, is this: The power to regulate interstate commerce and foreign commerce is without any implied limitations whatever. The only limitations that exist upon the exercise of that power must be limitations expressed in the Constitution itself. Now, it can not be disputed that this bill constitutes a regulation of interstate commerce, because it provides that articles may not be shipped in interstate commerce under certain circumstances. It is therefore a regulation of interstate commerce because it qualifies the exercise of the privilege of participating in interstate commerce. The question arises as to the consideration which moves the Congress to impose that regulation, the regulation itself being beyond question as a fact. What considerations may Congress have in mind in undertaking regulations of interstate commerce? The answer to that gentlemen will find is this: That Congress may move on any consideration, that Congress may move for the accomplishment of any object that is not prohibited by other sections of the Federal Constitution.

The interstate power reposed in Congress is the historical successor of the power that the colonies had as independent nations or sovereignties to do what they pleased in relation to foreign or intercolonial commerce; to do anything they pleased, with reason or without reason, in determining what commerce should move from State to State. The Federal Government in this respect succeeded to their power, to their full and complete and unlimited power. It was shifted from the colonies to the Federal Government, and the only restraint upon the exercise of that power by the Federal Government is what is known as the fifth amendment, corresponding in its effect upon the Federal legislative power to the fourteenth amendment on the State power, namely, that no person shall be deprived of life, liberty, or property without due process of law.

Here are three great substantive subjects of legislation—life, liberty, property. This bill does not involve life, it does not involve the right to property, but it does involve the question of contractual liberty as interpreted by the decisions of our court; liberty, in the sense of the power of the employer to make contracts with the parents of children for their employment below certain minima described in the bill.